

and may be lawful for such creditor to sue and implead such his debtor and recover against him all such costs & damages as upon legal tryal in any Court of this Province having cognizance of the cause shall be adjudged as before the making of this Act.

But in case any person or persons shall sue and implead such his debtor as aforesaid without making demand as aforesaid and the debtor plead that the debt was never demanded by such plea the debtor shall be taken to admit the plaintiffs declaration to be good and shall only put the demand in issue, which issue if the plaintiff do not joyn, then the plaintiff shall be taken to have made no demand and shall only have judgment for his damages & shall lose all his own costs, and if the plaintiff joyn in issue upon demand & it be found against him then the plaintiff shall lose his own costs & pay costs of such tryal to the defendant, yet the said plaintiff shall have judgment to recover his debt or damages which he sues for or so much thereof as appears due upon ballance.

Bill, bond, or promp.

And be it further Enacted that if any debtor or debtors be sued by any creditor or creditors for any sum or sums of Mony or Tobacco due upon the debtors assumption or due by bill or bond under the hand & seal of the said debtor and the debtor contents the assumption & acknowledge his act or deed but saith further that he hath an account of his own against the creditor that hath arisen due to the debtor since the paying such bill or bond or after such assumption as aforesaid which he desires may be discounted, it shall & may be lawful for the Justices before whom such matter shall be depending upon good proof made of such account to cause the same altho' of a less or inferior nature to be discounted in Court and give judgment thereupon against the defendant for so much only as shall be remaining to the plaintiff with costs of suit, provided the ballance exceed two hundred pounds of tobacco or fifteen shillings & eight pence in the County Court and fifteen hundred pounds of tobacco or six pounds five shillings sterling in the Provincial Court otherwise the plaintiff shall be nonsuited as by other Laws are provided.

Witness of the Court

And for the further declaration what shall be taken & allow'd for evidence to prove such bills or bonds, Be it Enacted that the oath of one or more of those persons that subscribed as witnesses to such bill or bond made before one Justice of the Provincial Court or two Justices of any County Court of this Province in their respective Countys shall be evidence to prove the debts in the Provincial or any County Courts of this Province if sworn in Court. Provided nevertheless, that if the defendant will traverse such proof and put it on the Country for proof it shall be allow'd him so to do.

And be it likewise Enacted by the authority aforesaid, that an account of goods sold work done money lent & such other articles as lyes properly in account and sworn to by the plaintiff in any action brought or by the defendant in his defence in discount of all or part of the plaintiffs claim before such Justice or Justices as aforesaid, and that no part or parcel thereof is paid other than what is taken notice of in the sudorh shall be received as evidence to prove the fact in any Court of this Province, provided that any plaintiff or defendant in any action against whom such oath is given for evidence shall be at his liberty to traverse such oath by giving evidence any other than himself against it to invalidate the same, and the Court or Jury that tryes the cause shall judge by that which appears to them the fullest & fairest evidence.

An Act for the confirming titles of Land given to the uses of the Churches & several Chapels within this Province, impowering the Commissioners of the respective Countys and the Vestrys of the respective Parishes to take up certain parcels of Land for the use of the same.

W Hereas several pious & well disposed persons have given & granted unto the respective Parishes whereto they do belong certain parcels of ground for the use & benefit of a Church & Church-yard, which said Land through the neglect of the Vestrys who by an Act of Assembly of this Province made at a Sessions of Assembly held at the Port of Annapolis the 20th day of July Anno Domini 1696 Intituled *an Act for the Service of Almighty God & Establishment of the Protestant Religion* were capacitated & impower'd by the names of the principal Vestryman and the rest of his Brethren Vestrymen of such Parish to take & receive any deed of gift for the same notwithstanding the charges of the respective parishes in building Churches or Chapels thereon is like to be lost or the title thereunto very disputable for want of such deed of gift or conveyance inrolled & recorded as by an Act of Assembly is required the first donors or grantors thereof being dead and the heirs of such donors or grantors either refusing to make over such Land as aforesaid or under age not capable of so doing.

Be it therefore Enacted by the Queens most Excellent Majesty by & with the advice & consent of her Majestys Governour Council & Assembly of this Province and the authority of the same, that all such Lands as have formerly been given to the use of any Church or Chapel and for which the donors or grantors thereof in their life times have

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