

unless he shall first demand and require the same of such Debtor's proper Person, or otherwise at the Habitation or Place of Residence of the said Debtor, in the County where he shall Dwell; to prove which Demand, the Creditor's or Demandant's own Oath shall be sufficient; and if the Debtor be not at home, to be spoke with, then such Demandant shall leave a Note under the Hand of such Creditor or Demandant, or those he shall empower to receive the same, with time, and to whom the same shall be paid; and if thereupon the same be not paid accordingly, then it shall and may be lawful for such Creditor to sue and Implead such his Debtor, and recover against him all such Costs and Damages, as upon legal Tryal in any Court of this Province, having Cognizance of the Cause, shall be adjudged, as before the making this Act.

How to be proved
Demand by leaving a Note.

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, and shall loose all his own Costs. And if the Plaintiff joyn in Issue upon the Demand, and it be found against him, then the Plaintiff shall loose his own Costs, and pay Costs of such Tryal, to the Defendant; yet the said Plaintiff shall have Judgment to Recover his Debt or Damages, for which he sues, or for so much thereof as Appears due upon Ballance.

The effect of pleading, not demanded.

And be it further Enacted, That if any Debtor or Debtors be sued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco due upon the Debtor's Assumption, or due by Bill or Bond under the Hand and Seal of the said Debtor, and the Debtor confess the Assumption, or such part thereof as he shall think fit to plead discount to, and 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 passing such Bill or Bond, or after such Assumption, as aforesaid, which he desires may be discounted; It shall and 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 Four Hundred Pounds of Tobacco, or Three and Thirty Shillings and Four Pence, in the County-Court; and Fifteen Hundred Pounds of Tobacco, or Six Pounds Five Shillings Sterl. in the Provincial Court, otherwise the Plaintiff shall be non-sued, as by other Laws are provided.

Discount:

The Ballance to exceed 400 l. in the County Court, And 1500 l. in the Provincial Court.

Provided nevertheless, That nothing in this Act contained shall be construed to give the said Provincial Court any other Jurisdiction than what is agreeable to the Act of Assembly for relieving the Inhabitants of this Province from some Agrievances in the prosecution of suits at Law, any thing herein contained to the contrary notwithstanding.

Saving to the Act of agrievances, its due force.

And for the further Declaration which shall be taken and allowed for Evidences to prove such Bills or Bonds, Be it Enacted, That the Oath of one or more of these Persons that subscribed as Wittnesses to such Bill or Bond, made before one Justice of the Provincial Court, or two Justices of the County-Court of this Province, in their respective Counties, shall be Evidence to prove the Debts in the Provincial and County-Courts of this Province. Provided nevertheless, That if the Defendant will

Good Evidence to prove Bills and Bonds.