

Yet may be tryed
by the Country.

will traverse such Proof, and put it upon the Country for proof, it shall be allowed him so to do.

What Accounts
Sworn to shall be
Evidence.

And be it likewise Enacted by the Authority aforesaid, That an Account of Goods sold, Work done, Money lent, and such other Articles as lie properly in an Account, and sworn to by the Plaintiff, in any Action brought, or by the Defendant in his Defence, against all or any part of the Plaintiff's 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 said Oaths, 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 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 and fairest Evidence.

Yet subjected to
be Traversed, and
Judged of by
the fullest and
fairest Evidence.

An Act for the speedy Recovery of small Debts, out of Court, before a single Justice of the Peace.

Forasmuch as it is requisite that there be some Remedy for the Recovery of small Debts, whereof the Courts of Judicature have no Jurisdiction,

Debt or Damage
not exceeding 400^l
of Tobacco or 33^s.
and 4^d. may be
adjudged, on Justi-
ces Warrant.

Be it Enacted by the King's most Excellency Majesty by and with the Advice and Consent of his Majesty's Governour, Council and Assembly of this Province and the Authority of the same, That in all such Cases wherein the real Debt or Damage doth not exceed Four Hundred Pounds of Tobacco, or Thirty Three Shillings and Four Pence in Money, It shall and may be lawful for any one Justice of the Peace of each respective County, wherein the Debtor doth reside, to try, hear and determine the matter of Controversy between the Creditor and Debtor, and upon full hearing of the Allegation of both Parties, shall give Judgment accordingly, and if need be, charge the Constable with the Body of the Debtor in Execution, who is hereby obliged and impowered to carry the Person so committed, to the Sheriff of the County, together with a Certificate or Mittimus from such Justice, wherein shall be certified the Debt and Cost, whereof such Person shall be convict by him, to be safely kept until Satisfaction, or other End thereof; or otherwise that such Justice shall award Execution on such his Judgment (directed to the Sheriff of the County, by Warrant or Mittimus in the Nature of a *Capias ad Satisfaciendum, fieri facias*, or otherwise; and that in Case upon the return of any Warrant or any Complaint Issued by any such Justice, it shall appear that the Person against whom the same shall Issue, is not found, it shall and may be lawful for the Creditor to proceed in the several and respective County Courts for obtaining an Attachment, according to the Directions of the Act for suing out Attachments in this Province, and limiting the extent of them against the Goods, Chattles and Credits of such Persons, for any Sum exceeding Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight Pence in Money, any thing in the Act for the better Administration of Justice in the several Courts of this Province, and for speedy recovery of Debts, &c. or any other Law to the contrary notwithstanding.

And the Constable charged with the Debtor in Execution, till Commitment to the Sheriff.

Or Execution be awarded immediately to the Sheriff

On the Debtors not being found Attachment may Issue against his Goods &c. out of the County Court.