

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 Plaintiff's Declaration to be good, and shall only put the Demand in Issue; which Issue, if the Plaintiff do not joyn, the Plaintiff shall be taken to have made no Demand, and shall only have Judgment for his Damages, and shall lose all his own Costs; and if the Plaintiff joyn in Issue upon the Demand, and if it be found against him, that the Plaintiff shall lose 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, and for so much thereof as appears due upon Ballance.

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 and Deed; but saith farther, 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 Thirty three Shillings and Four Pence, in the County-Court, and Fifteen hundred Pounds of Tobacco, or Six Pound Five Shillings *Sterling*, in the Provincial-Court; otherwise, the Plaintiff shall be Nonsuited, as by other Laws are provided. 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. Provided nevertheless, That if the Defendant will traverse such Proof, and put it upon the Country for Proof, it shall be allowed him so to do.

AND be it likewise Enacted by the Authority aforesaid, That an Account of Goods sold, Work done, Money lent, and such other Articles, as lye 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 try the Cause, shall judge by that which appears to them the fullest and fairest Evidence.

*Pass'd June 3d, 1715.*