

Writing or Accounts,) they have not seen Credit given to the Debtor since the Day of the making the said Bills, Bonds or beginings of the Accounts so sued for ; all which are to be sent certified as above, and which if the said Executors or Administrators refuse or neglect to do, then the same shall not be received in Evidence for valid against the Debtor.

EVERY Attorney who shall be employed in the Prosecution of such Suits, shall put in Security to pay the Defendant all such Costs and Charges, as shall be by the Defendant in that Case expended, in case the Plaintiff shall be cast in the Suit.

No Person whatsoever residing or trading in or to the Province, their Executors, Administrators, Agents, Factors or Assigns shall for any Sum or Sums of Money due and owing to him by Account, upon Book or otherwise, (and for which the Creditor hath not putt his Hand and Seal to such his Creditor) sue and implead such Debtor, his Executors or Administrators, in any Court of Record within the Province, unless he shall first demand and require the same of such Debtors proper Person or otherwise at his Habitation or Place of Residence in the County where he shall dwell ; to prove which Demand, the Creditors or Demandants Oath shall be sufficient ; and if the Debtor be not at home, to be spoke with, then such Demandant shall leave a Note under his Hand or those he shall impower to receive the same, with the Time and to whom the same shall be paid ; and if thereupon not paid, then it shall and may be lawful to sue and implead such his Debtor, and recover against him all such Costs and Damages, as upon legal tryal, in any Court having Cognizance of the Cause, shall be adjudged as before making this Act ; but if sued and impleaded before making such Demand, and the Debtor pleads the same, 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 join, then the Plaintiff shall be taken to have made no Demand, and shall only have Judgment for his Damages, and shall lose all his Costs ; and if the Plaintiff join in issue upon the Demand, and it be given against him, then the Plaintiff shall lose his own Costs and pay Costs of such Trial 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.

If any Debtor or Debtors be sued by any Creditor or Creditors, for any Sum or Sums of Money or Tobacco due upon the Debtors 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 further, that he hath an Account of his own against the Creditor, that hath arisen due to the Debtor since passing such Bill or Bond, or after such Assumption, which he desires may be discounted, or shall give any Account proved according to the Direc-  
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