

party paying or rendering the sum due thereon; which assignee shall then have action in his own name, against the principal debtor.—*Ibid.* § 7.

6. Where judgment is recovered against debtor and surety, and satisfied by the surety, the creditor shall assign such judgment to the surety; which assignee shall then have the same execution against the principal debtor as the creditor might have had.—*Ibid.* § 8.

7. Where judgment is rendered against several sureties, and one of them satisfieth the whole, he shall have assignment of the judgment from the creditor, and be entitled to execution against the other sureties, for a proportionable part of the damage paid by him. But no defendant shall be debarred of remedy by *Audita Querela*, &c.—*Ibid.*

8. Bonds, &c. under seal, being assigned under hand and seal, the assignee may maintain action in his own name against the obligor. And in case such obligor shall be unable to pay, or cannot be found so as to recover, the like action shall be maintainable against the obligee: unless such debt be lost by default of the assignee, in which case the assignor shall not be liable.—*Ibid.* § 9.

9. But no action shall be maintainable in the name of any assignee, unless oath, &c. be made by the assignee, that he hath received no part of the sum mentioned in the obligation, or such part only as is mentioned in such oath, to be indorsed on the bond. And false swearing herein shall be punishable as wilful perjury.—*Ibid.* § 10, and 11.

AFFIRMATION.

1. **T**HE people called quakers, those called dunkers, and those called menonists, holding it unlawful to take an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that quakers have been heretofore allowed to affirm, and to be of the same avail as an oath, in all such cases as the affirmation of quakers hath been allowed and accepted within this state instead of an oath. And further, on such affirmation warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded; and quakers, dunkers, or menonists, ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital.—*Decl.* 36

2. An affirmation made by a quaker, menonist or tunker, shall be as valid as an oath, in order to qualify the said quaker, &c. either as a surveyor or chain carrier.—1793, c. 70. § 5.

3. All those parts of the constitution and form of government that prevent