

12. But in case any suit shall be brought in any court of this state, upon any such instrument of writing proved as aforesaid, to recover any sum of money, or other valuable thing specified, therein to be due, the party bringing such suit, shall, at or before the first imparlance court, make oath or affirmation, before some judge or justice of this state, or before some court, judge, justice, or officer of the state or county where such instrument in writing hath been or shall be executed, having authority, and to be certified as aforesaid, that such writing was duly executed by the person therein mentioned to have executed the same, and that the debt, or other valuable thing appearing to be due by such writing, or any part thereof except what is credited, is not paid, or in any manner satisfied, by discount, account in bar, or otherwise, to the knowledge or belief of the party bringing such suit, but that the whole of the money or other thing specified to be paid or delivered by such writing, or such part thereof as shall be stated in such oath or affirmation, to be due, remains unpaid, according to the best of the knowledge and belief of the party bringing such suit. Provided that nothing in this act shall be taken to alter or repeal, the laws now in being establishing the mode for conveying lands, &c. within this state, by persons residing or being without the state. And provided also, that every creditor of a deceased person, and any executor or administrator of a creditor, on suit by them or any of them, shall make oath or affirmation as the law now directs.—*ibid.*

13. The oath or affirmation, of any disinterested credible witness, made and certified as aforesaid, proving the payment or delivery of any money, or the delivery or sale of any goods, wares, merchandizes, chattels or effects whatsoever, by any merchant or person carrying on commerce, or using and carrying on any trade whatsoever, by buying and selling, or manufacturing for sale, and being an inhabitant of any other of the United States, or of any foreign country, shall be legal evidence in any court of this state to charge the person or persons to whom such money, &c. shall be so proved to be delivered, and also an oath or affirmation as the case may be, as aforesaid to be made, shall be good evidence to prove the price of the goods, &c. delivered or sold, and also to prove an assumption to pay for the same. Provided, that the party bringing suit for money aforesaid, or the price of goods, &c. shall, at or before the first imparlance court, make oath or affirmation, before some judge or justice of this state, or before some court, judge, justice or officer of the state or county where such money, &c. shall have been delivered, having authority, and to be certified as aforesaid, that he believes the money, &c. charged in the account, to which such oath or affirmation shall be annexed, were bona fide delivered as charged, and that he hath not, to his knowledge or belief received any payment or satisfaction for the articles charged, more than credit is duly given for in and appearing upon the account, to which such oath or affirmation shall be