

1729.

JULY.

CHARLES LORD BALTIMORE.

C H A P.
XX.
What shall be
evidence, &c.

VII. AND, for the further declaration of what shall be taken and allowed for evidences to prove such bills or bonds, BE IT ENACTED, That the oath of one or more of the persons that subscribed as witnesses to such bill or bond, made before one justice of the provincial or county court of this province, in their respective counties, or any other legal evidence, shall be evidence to prove the debts in the provincial and county courts of this province.

Proviso.

VIII. PROVIDED NEVERTHELESS, That if the defendant will traverse such proof, and put it upon the country for trial, it shall be allowed him so to do.

Account shall
be evidence,
&c.

IX. AND BE IT ENACTED, by the authority aforesaid, That an account of money, tobacco or other goods, lent or due, and chargeable for goods sold, work done, or other things properly chargeable in account, which shall arise due after the tenth day of March next ensuing, and shall be sworn by the creditor, (or affirmed if a quaker,) "to be just and true," before one provincial or county justice, and "that he or she hath not, directly or indirectly, received (to his or her knowledge,) any part or parcel of the money, tobacco or other goods, charged as due by such account, or any security or satisfaction for the same, more than credit shall be given for," shall be received as good evidence in any court of record within this province, upon any trial, or in any dispute before a single magistrate, concerning a small debt determinable by him, unless the creditor or defendant shall make appear by lawful evidence, other than his or her own oath, or affirmation, that such account is false in part, or in the whole.

Defendant may
prove an ac-
count, &c.

X. AND BE IT LIKEWISE ENACTED, That it shall and may be lawful for any debtor or defendant, in his defence, to prove an account by oath or affirmation to be just and true, of goods delivered or sold, work done, money paid or delivered to the plaintiff or creditor towards satisfaction of the whole, or part of the debt due to such plaintiff or creditor, or received by such plaintiff or creditor to the defendant or debtor's use, after the said tenth day of March aforesaid, which have been or shall be so delivered, paid or received, and for which no credit is or shall be given to the defendant or debtor, which the court before whom the trial shall be shall adjudge to be discounted out of the plaintiff's or creditor's account, or other demand, unless the plaintiff or creditor can prove the same, or some part thereof, to be false, by legal evidence as aforesaid.

Proviso.

XI. PROVIDED ALWAYS, That the particulars of all such accounts shall be delivered, as well by the creditor to the debtor as by the debtor to the creditor, within ten days after the several and respective articles shall become due, to the debtor or creditor who shall require the same; and that the said accounts shall be proved within twelve months after the first article therein charged shall become due, and not otherwise.

Accounts
proved to be
falsed, &c.

XII. AND, to prevent either plaintiff or defendant being surpris'd, BE IT ENACTED, That all accounts which the plaintiff shall prove, either by his or her own oath or affirmation only, or otherwise, shall be filed with the declaration; and that all accounts which the defendant shall prove, either by his or her own oath or affirmation only, or otherwise, in his or her defence, shall be filed with the several clerks ten days at the least before the trial court, otherwise the account which shall be omitted to be so filed shall not be received in evidence, except that where declarations shall be sent with the writs, in order for trial the first court, the defendant who shall insist on any account in his or her defence as aforesaid, shall deliver or send a copy of such account to the clerk the first day of the court, who shall receive and file the same.

An act repeal-
ed.

XIII. AND BE IT FURTHER ENACTED, That an act entitled, An act providing what shall be good evidence to prove foreign and other debts, and to prevent vexatious and unnecessary suits at law, pleading discounts in bar, shall be and is hereby repealed and abrogated.

Proviso.

XIV. PROVIDED NEVERTHELESS, That it shall and may be lawful for any person to prove any account of goods sold, money lent, work done, or other matters or articles properly chargeable in account, which became due at any time heretofore, or shall become due before the tenth day of March next, according to the directions of the said act, so as all such accounts shall be proved as aforesaid at or before the thirtieth day of August, which shall be in the year of our Lord one thousand seven hundred and thirty, the repeal of the said act, or any thing in this act to the contrary notwithstanding.

False swearing
to be punished.

XV. AND BE IT FURTHER ENACTED, That any person who shall wittingly, and advisedly swear or affirm falsely to any account before any provincial or county justice, and shall be thereof lawfully convicted