

C H A P.  
XLVI.

bill or instrument, hath been or may be executed, having authority by law to administer an oath or affirmation, as the case may be, and a certificate under seal from the governor, chief magistrate, or a notary public of such state or country, that the court or officer before whom such oath or affirmation, as the case may be, shall be taken, hath authority to administer such oath or affirmation, as the case may be, and that such oath or affirmation as aforesaid hath been duly made before such court, judge, justice, or other officer, shall be good and sufficient evidence in any court of this state to prove any such deed, will, bond, bill, note, or other instrument; and if all the witnesses to any deed, will, bond, bill, note, or other instrument of writing aforesaid, have died or shall die before the execution of such deed, will, bond, bill, note, or other instrument of writing, be proved as aforesaid, then proof, by a credible witness, to the hand writing of the party making such deed, will, bond, bill, note, or other instrument of writing, or to the hand writing of the subscribing witnesses to the same, or of any of them, taken and certified as aforesaid, shall be good evidence for the purpose aforesaid; provided always, that 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, as the case may be, before some judge or justice of this state, or before some court, judge, justice, or officer of the state or country where such instrument in writing hath been or shall be executed, having authority as aforesaid, and to be certified as aforesaid, that such instrument of 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 instrument of 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 instrument of writing, or such part thereof, as shall be stated in such oath or affirmation, as the case may be, to be due, remains unpaid, according to the best of the knowledge and belief of the party bringing such suit; and provided also, that nothing in this act shall be taken or construed in any manner to alter or repeal the laws now in being establishing the mode for conveying lands, tenements or hereditaments, 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.

Oath of disinterested witnesses  
legal evidence, &c.

IV. AND BE IT ENACTED, That the oath or affirmation, as the case may be, 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, merchandises, 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, goods, wares, merchandises or effects, 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, wares, merchandises and effects, 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, wares and merchandises, or effects aforesaid, shall, at or before the first imparlance court, make oath or affirmation as aforesaid, before some judge or justice of this state, or before some court, judge, justice or officer of the state or country where such money, goods, wares, merchandises or effects, shall have been delivered, having authority, and to be certified as aforesaid, that he believes the money, goods, wares, merchandises, effects or chattels, charged in the account to which such oath or affirmation as aforesaid shall be annexed, were *bonâ 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 as aforesaid shall be annexed as aforesaid, nor hath he received any security for the same, and that the balance charged and claimed is justly due, according to the best of his knowledge and belief.

Oath of clerks,  
&c. good evidence, &c.

V. AND BE IT ENACTED, That the oath or affirmation as aforesaid of any clerk, store-keeper, or disinterested credible person, taken before any judge or justice, or court of this state, to the delivery or payment of any money, or delivery or sale of any goods, wares, merchandises, effects or chattels, by any person merchandising, or carrying on commerce, or carrying on any trade whatsoever, by buying and selling, or manufacturing for sale within this state, to any person within this state, shall be good and sufficient evidence in any court of this state, to charge the person to whom such money shall be delivered or paid, or such goods, wares, merchandises, effects or chattels, shall be sold or delivered, and also shall be good evidence to prove the prices of the goods, wares, merchandises, effects and chattels, sold or delivered, and also to prove the assumption of the receiver, or any person claiming