

EVIDENCE.

An exemplification of the record, under the hand of the keeper, and the seal of the court or office where made, shall be evidence to prove any debt of record in any other of the United States, or any foreign country. 1785, ch. 46, § 1.

A copy of the record or register of any deed, will, &c. (required by the laws of the state or country to be recorded or registered,) under the hand of the keeper and the seal of the court or office where made, or a copy of any deed, will, &c. lodged for safe keeping agreeably to such laws, and certified as aforesaid, shall be evidence to prove such deed, will, &c. *Ibid.* § 2.

For proof of any deed, will, &c. executed in any other of the United States, or any foreign country, to which recording or registering is not made necessary, the evidence required is, proof to the execution of such deed, will, &c. by the oath or affirmation of the subscribing witnesses, or any of them, taken before a court, judge, &c. where executed. *Ibid.* § 3.

— The power of such court, &c. and the taking of the oath, how to be certified. *Ibid.*

— On the death of all the witnesses to any deed, will, &c. before proof of the execution as aforesaid, proof of the hand writing of the party making such deed, &c. or of the subscribing witnesses, or any of them, certified as aforesaid, shall be evidence. *Ibid.*

— Provided, that the party bringing suit on such instrument of writing shall, at or before the first imparlance court, make oath or affirmation, before some court, judge or justice of this state, or some court, judge, &c. where executed, having authority to administer the same, (to be certified as aforesaid,) that the same was duly executed by the person therein mentioned, that the debt claimed by such writing, (or any part except what is credited,) is not paid or satisfied by discount, &c. but that the whole, or such part as by such oath or affirmation is stated to be due, remains unpaid, to the best of his knowledge and belief. *Ibid.*

— Provided also, that creditors of a deceased person, and executors and administrators of a creditor, on suit by them, shall make oath or affirmation as the law now directs. *Ibid.*

— And provided, that nothing in this act shall alter or repeal the laws for conveying lands, &c. by persons residing or being without the state. *Ibid.*

The oath or affirmation of any witness, made and certified as aforesaid, shall be evidence in any court of this state, to prove the payment of money, or delivery or sale of goods, &c. by merchants, &c. inhabitants of any other of the United States, or of a foreign country, and to prove the price and an assumption to pay. *Ibid.* § 4.

— Provided, that the party bringing suit therefor shall, at or before the first imparlance court, make oath or affirmation, before some judge or justice of this state, or some court, judge, &c. where delivered, having authority, and to be certified as aforesaid, that he believes the goods, &c. charged in the account to which such oath shall be annexed, were *bona fide* delivered as charged, and that he hath not, (to his knowledge or belief,) received any payment, &c. more than credit is given for on such account, nor any security, and that the balance claimed is justly due, according to the best of his knowledge and belief. *Ibid.*

The oath or affirmation of any clerk, store-keeper or credible person, before any judge, justice or court of this state, shall be evidence in any court of this state to prove the payment of money, or delivery or sale of goods, &c. by merchants, &c. within this state, to persons within this state, and to prove the price and an assumption to pay. *Ibid.* § 5.

— Provided such oath or affirmation be made within twelve months from the date of the articles, &c. and that the party

EVIDENCE.

bringing suit therefor shall, at or before the first imparlance court, make oath or affirmation, before some judge, &c. of this state, as above directed. *Ibid.*

Nothing in this act shall preclude a defendant from controverting such proof by any testimony admissible by common law, nor to prevent a plaintiff from giving such testimony, or pursuing any legal mode, to establish his claim. *Ibid.* § 6.

Manner of proving claims against the estates of deceased persons. 1798, No. 101, ch. 9, § 8.

The act of 1729, ch. 20, repealed, but debts, &c. proved, pursuant to the said act, on or before the first of November then next, to be sufficient, and accounts not exceeding £. 30 in the course of a year, so proved, to be evidence till the first of January, 1789, and afterwards any account not exceeding £. 10 in the course of a year. 1785, ch. 46, § 8.

Manner of taking evidence by commission from the chancery court. 1785, ch. 72, § 14, 1795, ch. 88, 1799, ch. 79.

— By interrogatories, which the defendant therein is empowered to exhibit to the plaintiff, to be answered by him on oath. 1785, ch. 72, § 21.

See CHANCERY.

The marking and bounding land under a commission, and the record thereof, shall be conclusive evidence of the original location, both as to the direction and termination of the lines, in case no suit shall be brought within five years from the recording such return to call in question the adjudication. 1786, ch. 33, § 5.

— Where the adjudication shall be confirmed by the verdict of a jury, it shall conclude to every intent and purpose between the same parties and those claiming under them. *Ibid.*

— But five years are allowed to infants, &c. after the disability removed, to commence suit. *Ibid.*

— An agreement as therein mentioned, when recorded, to have the same effect as a location by the commissioners. *Ibid.* § 6.

Depositions taken to perpetuate boundaries on a commission under the act for marking and bounding lands shall be as good evidence as if taken under the act of 1723, ch. 8, relating to the bounds of lands. 1793, ch. 70, § 2.

The courts may continue causes on its appearing that a witness, who shall be named, or testimony material, &c. is wanting from some other of the United States, or from beyond sea. November, 1787, ch. 9, § 2, 3.

— Time of continuance where commissions issue to take such evidence. *Ibid.* § 5, 1794, ch. 6.

— Time of continuance where the attendance of a witness in this state cannot be procured. November, 1787, ch. 9, § 8.

See CONTINUANCE.

Copies from the record of the bonds given by inspectors to be evidence. 1789, ch. 26, § 15.

The testimony of the inspectors to be admitted as evidence in the cases of forging manifests, &c. therein mentioned. *Ibid.* § 37.

What shall be evidence of the time of the receipt by the governor and council of returns from the judges of the elections of representatives to congress, or of electors of president and vice-president. November, 1792, ch. 34, 1799, ch. 50, § 16.

Copies from the record of the bonds given by collectors of the county tax to be evidence. 1794, ch. 53, § 2.

— The same as to sheriffs bonds. *Ibid.* ch. 54, § 8.

— The same as to coroners bonds. 1797, ch. 95, § 1.

Proof to be made by a creditor on obtaining a warrant of attachment against persons not being citizens or persons absconding. 1795, ch. 56, § 1.

— The proof on which such warrant of attachment is granted by a judge or justice must be lodged with the clerk before an attachment shall issue. *Ibid.*

— Manner