

97 plaw or County where the Contracted Debt for or fully paid or recorded in  
or found from Justice shall be repealed by unlawful and unlawful Law  
at Law. Be it Enacted by the Authority Advised and Consent a fore said that  
person whatsoever residing or trading in or to this province their Debtors  
Agents Factors or Officers shall for any Sum or Sum of Debt or money due  
or owing to him by account upon book or other wise (and for which the Debtor  
shall not pass his hand and seal to such his Creditor) shall and implied  
Debt his Executors or Administrators in any Court of Record within this pro-  
vince undoubtedly shall first demand and require the same of such Debtor —  
proper person or otherwise at the habitation or place of Residence of the  
said Debtor in the County where he shall dwell (to prove which Demand the  
Creditor or demandant own oath shall be sufficient) And if the Debtor  
be not at home to be spoken with then such Demandant shall procure two  
under the hand of such Creditor or demandant or their he shall empower  
to receive the same what time and to whom the same shall be paid And if  
thereupon the same be not paid accordingly then it shall and may be  
lawful for such Creditor to sue and implead such his Debtor and recover  
against him all such Costs and Damages as upon legal trial in any Court  
of this province having Cognizance of the Cause shall be adjudged as  
before the making of this Act but in case any person or persons shall sue  
and implead such his Debtor as aforesaid without making demand as  
aforesaid and the Debtor plead that the Debt was never demanded by  
such pt the Debtor shall be taken to admit the plaintiff's Declaration to  
be good, and shall only put the demand in issue which issue if the plaintiff  
do not joyn then the pt shall be taken to have made no demand and the  
only have Judgment for his Damages and shall lose all his own Costs and  
if the plaintiff joyn in issue upon demand and it be found against him  
then the plaintiff shall lose his own Costs and pay Costs of such tryal  
to the Defendant Yet the said plaintiff shall have Judgment to receive  
his Debt or Damages which he sues for, or some thing thereof,  
upon Balance.