

An Act providing what shall be good Evidence

to prove foreign and other debts and to prevent vexatious and unnecessary suits at law and pleading Discounts in Courts

Be it Enacted by the Kings most Excellent Majesty by and with the advice and Consent of his Majestys Governour Council and Assembly of this Province by the authority of the same that all debts of record whether by Judgment recovered or by Deed Inrolled and upon Record the Recomplication thereof under the seal of the Courts where the said Judgment was given or was recorded shall be sufficient Evidence to prove the same and that all other debts by Bonds Bills accounts or otherwise that shall from or after the publication hereof be sent hither to be put in suit against any person whatsoever Incurring or Residing within this Province shall be proved by the oaths of the witnesses thereto before a Notary publick or other officer lawfully Authorized thereto of the County or place where soever it shall happen the said Bonds or Bills shall be sent from at which time and before which Publick Notary or other publick officer shall be present the Creditors who shall then Likewise before such publick Notary or other publick officer of the place so Authorized upon his Corporall oath declare that the said debt or any part thereof saving what the said Creditor gives Credit for is not satisfied or that there are not any other accounts between the said Creditor and debtor by which the said Creditor may be Likewise Indebted to the said debtor to the value of the said Debt or any part thereof for any matter or thing accrued since the date of the said bond bill or Instrument or whether the said Creditor hath not given the said Debtor any Release for the same to be sent Together with the proofs from under the hands and Seals of the said publick Notary or other publick officer therunto appointed which if the Creditor shall refuse or neglect to performe or do then the said matter or thing by the said publick Notary or other officer so by them Certified as aforesaid shall not be received as Evidence to prove the said Debt & if the said Creditor be dead and his Executor or administrator sue such bond bill account or otherwise sue any Debtor for the same the Executor or administrator in like manner before such Notary Publick or other officer for that purpose appointed shall soth forth and declare upon their oath whether or no they have not heard the Creditor in his Lifetime acknowledge that Debt or any or what part thereof to be satisfied or whether or not upon sight of the Creditors books writings or accounts they have not seen Credit given to the debtor since the day of the making the said Bills Bonds or beginnings of the accounts so sued for all which in like manner is to be Certified by the publick Notary or other officer therunto appointed under his hand and Seale to be sent along to this Country Together with the