

shall only have judgment for his Damages and shall lose all his own  
 Costs and if the plaintiff joyn in Issue upon the demand and it be found  
 against him then the plaintiff shall lose his own Costs and pay Costs  
 of such Try all to y<sup>e</sup> Defendant yet the said plaintiff shall have judgment  
 to recover his debt or Damages for which he sues or for so much thereof  
 as appears due upon Ballances And be it further enacted that  
 if any Debtor or Debtors be sued by any Creditor or Creditors for any  
 Summe or Summes of money or tobacco due upon the Debtors assumption  
 or due by bill or bond under the hand and Seal of the said Debtor (or of  
 the assumption) such part <sup>thereof</sup> as he shall think fitt to plead discount  
 to and acknowledge his act or deed but saith further that he hath an  
 account of his own against the Creditor that, arised due to the Debtor  
 since the passing such bill or bond, or after such assumption as aforesaid  
 which desires may be discounted It shall and may be lawful for  
 the Justices before whom such matter shall be depending upon good  
 proof made of such account to Cause the same altho of a loss or  
 Inferior nature to be discounted in Court and give Judgment there  
 upon against the Defendant for so much only as shall be remaining  
 to the plaintiff with Costs of Suits provided the Ballance exceed four  
 hundred pounds of tobacco or three and thirty shillings and four pence  
 in the County Court and fifteen hundred pounds of tobacco or six  
 pounds five shillings Sterling in the prov<sup>d</sup> Court otherwise the  
 plaintiff shall be nonsuited as by other Laws are provided.

PROVIDED however the less that nothing in this act contained shall  
 be construed to give the said Provincial Court any other Jurisdiction  
 than what is agreeable to the act of Assembly for relieving the  
 Inhabitants of this province from some Aggrievances in the  
 prosecution of suites of Law any thing herein contained to the  
 contrary notwithstanding. And for the further Declaration  
 what shall be taken and allowed for Evidence to prove such bills  
 or bonds Be it enacted that the Oaths of one or more of those  
 persons that subscribed as Witnesses to such Bill or bond made  
 before one Justice of the provincial Court or two Justices of any  
 County Court of this province in their respective Counties shall be  
 Evidence to prove the debts in the provincial and County Courts of  
 this province provided nevertheless that if the Defendant will Traverse  
 such proof and put it upon the Country for proof it shall be allowed  
 him so to do And be it likewise enacted by the  
 authority aforesaid that an account of goods sold work done  
 money lent and such other Articles as may be  
 in an account and sworn to by the Plaintiff