

ings have been for Tobacco, and the Intention both of Creditor and Debtor hath been, that the Payment should be made in Tobacco: *Be it therefore Enacted*, That in all such Cases, the Creditor shall be paid in Tobacco at the general Rates such Creditor dealt, at the Time such Contract was made, and according to the true Intent and Meaning of this Act, deducting from such Debts one Fourth Part of the Demands, as aforesaid, if the Creditor be paid in Inspected Tobacco, in Case of Debts due before the Sixteenth Day of May, Seventeen Hundred and Forty Seven, and not otherwise.

LXXIV. *AND be it further Enacted, by the Authority, Advice and Consent aforesaid*, That all Judgments, Bonds, Bills, Mortgages, Bills of Exchange, Notes, or other Securities of any Kind, for the Payment of Money, instead of Tobacco, which have been or shall be taken, in order to elude the Provision made by this Act, or the Act, entituled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees*, made at a Session of Assembly begun and held at the City of *Annapolis*, on the Sixteenth Day of May, Seventeen Hundred and Forty Seven, for the Abatement and Deduction of Tobacco-Debts, by any Person or Persons whatsoever, to his, her, or their own Use, or to the Use or in Trust for any other Person or Persons, since the Fifteenth Day of May, Seventeen Hundred and Forty Seven, shall be Void and of none Effect.

Notes, Bonds, &c. given for Money, to be void if the Debt were contracted for Tobacco before May 16, 1747.

LXXV. *AND be it further Enacted*, That if any Judgment hath been rendered, or shall be rendered, and that any Execution hath been, or shall be, issued, that the Party may sue an *Audita Querela*; and if any Person or Persons shall be sued on any such Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, taken in order to elude the Provision made by this Act, or the Act entituled, *An Act for amending the Staple of Tobacco, for preventing Frauds in his Majesty's Customs, and for the Limitation of Officers Fees*, made at a Session of Assembly begun and held at the City of *Annapolis*, the Sixteenth Day of May, Seventeen Hundred and Forty Seven, as aforesaid, that the Defendant or Defendants may Plead the General Issue, and give the Special Matter in Evidence, and if it shall appear to the Court or Jury who shall Try the Fact, that the Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, upon which the Suit shall be commenced, was given for Money in lieu or stead of Tobacco, in order to elude the Provision made by this, or the said recited Act, as aforesaid, that the Plaintiff shall be Nonsuit, and pay the Defendants Costs.

If Execution be issued, in such Case, the Party may sue an *Audita Querela*.

LXXVI. *AND to the End* that no Defendant may be injured, by the Difficulty of proving the Fact, *Be it Enacted*, That it shall and may be lawful for the Court, wherein any such Judgment hath been, or shall be entered, or wherein any such Action shall be commenced, to examine and interrogate the Plaintiff or Plaintiffs, upon his or their Oath, or Affirmation, in case a Quaker or Quakers, is or are concerned, for what Consideration such Judgment, Bond, Bill, Mortgage, Bill of Exchange, Note, or other Security, was passed, and if it shall appear upon such Examination, that the same was given or passed for Money, in stead and lieu of Tobacco, as already mentioned, that then and in such Case, the Plaintiff or Plaintiffs, shall be Nonsuit, and pay the Defendants Costs; and in Case any Plaintiff or Plaintiffs, shall refuse to submit to such Examination, such Refusal shall be deemed and taken to be a Confession, or Proof of the Fact.

To prevent the Defendant from Injury, the Plaintiff may be sworn.

LXXVII. *AND be it likewise Enacted*, That if any Plaintiff in any such Case, shall knowingly Swear or Affirm falsely, and be thereof convicted, he, she, or they, shall suffer as in case of wilful and corrupt Perjury.

Punishment for false swearing.

LXXVIII. *PROVIDED always*, And it is the true Intent and Meaning of this Act, that nothing therein contained shall extend or be construed to extend, to vacate or abolish any Contract, Bargain, or Agreement, made

Contract for Tobacco in Specie.