

1st strike out all that follows the word debt in the 4th line of the 1st section, and insert the following, "or upon any contract, agreement, or assurance in which any person or persons shall seek to avail him, her, or themselves of the provisions of the act of assembly passed at September session, 1704, entitled an act against excessive usury," it shall be incumbent on such person or persons, specially to plead the same, and in such plea to state and set out, the sums both principal and interest actually and fairly due, upon such bond, mortgage, bill obligatory, bill of exchange, promissary note or other evidence of debt, contract, agreement, or assurance, estimating the principal debt actually loaned or contracted for with interest therefor at the rate of six per cent per annum.

2d. In the 2d line of the 2d section, strike out the words, "or defence," and strike out the whole of the section following the word, "interest," in the fourth line and insert the following, "due upon said bond, mortgage, bill obligatory, bill of exchange, promissory note, or other evidence of debt, contract, agreement, or assurance as aforesaid, and to render their verdict for the same, upon which said verdict, it shall be the duty of the said court to render judgment in favour of the plaintiff or plaintiffs in said action.

3d. Insert the following as the third and fourth sections of the said bill.

3d. And be it enacted, That upon the trial of any such issue in the court of chancery, or in the county court sitting as courts of equity in this state, it shall be the duty of the chancellor and of the judge or judges of said courts respectively to ascertain the amount of the principal due as aforesaid and to decree accordingly.

4th. And be it further enacted, That if at the time of pleading as aforesaid, or upon the trial of the issue thereupon, the defendant or defendants shall tender to the plaintiff or plaintiffs in said suit or action, the sum alleged to be due as aforesaid, and the costs which may have accrued in said suit or action up to the time of such plea or trial, and upon such finding by the jurors or ascertainment by the chancellor, judge or judges, it shall appear that the sum actually due upon such bond, bill obligatory, bill of exchange, promissory note, or other evidence of debt, contract or assurance, did not exceed in principal, interest and costs at the time of such plea or trial, the sum tendered as aforesaid, then and in every such case, the plaintiff or plaintiffs shall be adjudged to pay the costs accruing after such tender." Determined in the affirmative.

On motion, the following amendment was read, viz.— At the end of the bill, insert the following proviso, "Provided, however, that nothing in this act, contained, shall be construed to apply to any bond, mortgage, bill, obligatory bill of exchange promissory note or other evidence of debt, contract, agreement or assurance, which may be in existence at the time of the passage of this act," and after some