

Twelve Men, as he or she may be by Force of this Act, The Person so convicted shall suffer all the Pains and Forfeitures which by Law be inflicted on any Person convicted of Wilful Perjury, and shall be liable to be taken upon any Process *De Novo*, and charg'd in Execution for the said Debt in the same Manner as if he or she had never been discharged or taken in Execution before, and shall never afterwards have the Benefit of this Act.

Abatement to be made in Proportion where the Effects are not sufficient to satisfy all the Creditors, and Provoost Marshal or Goalor to come in as a Creditor for his Fees.

Provided also, And be it further enacted by the Authority aforesaid, That if the Effects so assigned shall not extend to satisfy the whole Debts due to the Persons at whose Suit he or she was charged, and the Fees due to the said Provoost-Marshal or Goalor, there shall be an Abatement in Proportion, and such Provoost-Marshal, or Goalor, shall come in as a Creditor for what shall be then due to him for his Fees, in Proportion with the Creditors at whose Suit he or she was charged in Execution.

Where there are mutual Debts, one Debt to be set against the other.

And be it further enacted by the Authority aforesaid, That where there are mutual Debts between the Plaintiff and Defendant, or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate and either Party, one Debt may be set against the other, and such Matter may be given in Evidence upon the general Issue, or pleaded in Bar, as the Nature of the Case shall require, so as at the Time of his or her pleading the general Issue, where any such Debt of the Defendant, his Testator or Intestate is intended to be insisted on in Evidence, Notice shall be given of the particular Sum or Debt so intended to be insisted on, and upon what Account it became due, or otherwise such Matter shall not be allowed in Evidence upon such general Issue.

Provoost Marshal, &c. offending against this Act, to forfeit £ 50.

And be it further enacted by the Authority aforesaid, That every Provoost-Marshal or his Deputy, Bailiff, or other Officer or Minister aforesaid, offending against this Act, shall (over and above such Penalties or Punishments as he shall be liable unto by the Law now in Force) for every Offence against this present Act, forfeit and pay to the Party thereby grieved, the Sum of *Fifty Pounds*, to be recovered, with Treble Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of the Courts of Law within this Province, wherein no Essoign, Protection, or Wager of Law, or more than one Impar lance shall be allowed.

Quakers Affirmation to be taken.

And be it further enacted by the Authority aforesaid, That in all Cases wherein by this Act an Oath is required, the solemn Affirmation of any Person being a Quaker, shall and may be accepted and taken in lieu thereof; and every Person making such Affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same Pains, Penalties, and Forfeitures as are inflicted and imposed by the Laws and Statutes now in Force, upon Persons convicted of wilful and corrupt Perjury.

And be it further enacted by the Authority aforesaid, That this Act, and the several Matters and Things therein contained, shall continue in Force until disapproved of by His Majesty in Council, or be repealed by the Legislature of this Province.

