

Such Oath to extend only to the Delivery of the Articles charged in the Plaintiff's Account; but not to establish the prices carried out against such Articles, nor to any Contract relative thereto.

Oath to be subscribed by the Party.

Form of Oath,

Proviso.

The Year, and the Day of the Year, wherein such Articles may be delivered, to be expressed in the Account.

The Party not admitted to swear, if more than two Years have elapsed from the Time of the charge, to the issuing of Process:

Nor if it be proved by Affidavit of the adverse Party, that the Party filing the Account, had, at the time of the Articles charged therein, a Clerk actually retained in his Service. Nor unless the Party charged with a Balance, shall have been, ten Days before issuing of Process, served with a Copy of such Account,

Party served with unbailable Process, to file common Bail on or before the Return Day:

On Failure, the Plaintiff, on Affidavit of Service of such Process may file it for him, at any time after the Return Day thereof.

Which being perfected, the Plaintiff may file his Declaration, and give a two Day Rule for the Defendant to plead in.

Proviso.

If Defendant suggest to the Court by Motion duly entered, a

Accounts, shall extend only to the Delivery of the several Articles therein contained; but shall not extend, nor be construed to extend, to the establishing or fixing the Prices charged or carried out against such Articles, nor to any Contract or Agreement between the Parties relative thereto; and which Oath, so as aforesaid to be certified by the said Clerk, being subscribed by the Party, shall be in the Words, or to the Effect following, that is to say,

**I** *A—B—*, do make Oath and say, that the several Articles in the above Account charged, were really and truly delivered unto the "said *C—D—*, at the Times therein mentioned, or unto some Person or "Persons, being authorised to receive and take delivery of the same. "So help me God."

III. *And Provided also*, That no Person or Persons whatsoever filing his, her, or their Account as aforesaid, shall be admitted to depose to the Truth of the Articles therein charged, unless the Year of our Lord, and the Day of the Month of that Year, wherein or whereon the same Articles shall or may have been delivered, shall be expressed or set down, in such Account: Nor shall he, she, or they be admitted to swear or depose as aforesaid, to any Article or Articles charged in such Account, if more than two whole Years shall have elapsed from the Time of such Charge, to the Day when Process at Law shall have issued or been sued out for the Recovery of such Article or Articles: Nor shall any Person or Persons whatsoever be admitted to swear or depose as aforesaid, if it shall be proved by the Affidavit of the adverse Party, that he, she, or they, so filing their Accounts, at the Time such article shall appear to have been charged, had a Clerk retained in his, her, or their Service professedly for the purpose of keeping his, her, or their Accounts: Nor unless the Party charged with a Balance in such Account, shall have been, ten Days at least before the issuing of such Writ or Process, served with a true Copy of such Account.

IV. *And be it further enacted by the authority aforesaid*, That in all Cases where any Defendaht or Defendants shall have been duly served with a Copy of any unbailable Writ or Process, he, she, or they shall file common Bail in such Suit, on or before the Return Day thereof; and in Failure of his, her, or their filing such common Bail, it shall and may be lawful to and for the said Plaintiff or Plaintiffs in such Suit, upon Affidavit being duly made and filed in the said Supreme Court, of the personal Service of such Writ or Process, to file common Bail for such Defendant or Defendants therein, at any Time from and after the said Return Day of such Writ or Process. And thereupon the Plaintiff or Plaintiffs in such Suit may file his, her, or their Declaration with the Clerk of the Court wherein such Writ or Process shall or may be returnable, and give a Rule for such Defendant or Defendants to plead thereto, within two Days from the Day of filing such Declaration.

V. *Provided nevertheless, and it is hereby enacted by the authority aforesaid*, That if the Defendant or Defendants in such Suit shall, in Term Time, suggest to the Court by Motion to be duly entered with the Clerk, that it is necessary to the Defence of him, her, or them in such Action to