

The Evidence mentioned in the Statute, prevailed in most, if not all the Colonies; before the Statute, and Lands were also liable to the Satisfaction of all Debts in most Instances, by the Method practised also in the Court of Chancery in *England*, of marshalling Assets. In some of the Colonies, without this Circuitry, Lands were immediately liable to simple Contract Debts.

Independent of the Statute, when the Creditor obtains a Judgment against his Debtor, *all* his Lands, &c. over which he has a *disposing* Power, are liable, and, since the Statute, only *such* Lands, &c. are Assets, as the Debtor had a Power to dispose of. It appears then, that all the Effect of the Statute on this Head, is to subject Real Estates to the Payment of Debts, *after* the Death of the Debtor, (for the most Part, the Case before the Statute) which might have been made Subject *before* his Death.

In many of the Colonies, the provincial Creditors of deceased Debtors, were preferred to the *British*, in the same Degree, by Acts of Assembly which carried the Appearance of Partiality; tho' in Fact, the Effect of the Laws of *England* gave Rise to Them; for, upon Bankruptcies in *Great-Britain*, the Steps required by the Statutes to entitle Creditors to a Satisfaction, effectually exclude Colony Creditors in most Cases, and their Distance, when their Debtors die in *Great-Britain*, where Colony Creditors have not standing Agents as the Merchants have in the Plantations, and there happens a Deficiency of Assets, shuts them out likewise from all Chance of Satisfaction in the usual Scramble among Creditors for the Debtor's Estate on such Events.

In some of the Colonies They changed, by Acts of Assembly, certain Species of personal Property, *e. g.* Negroes, into the Nature of real Estates, by making Them descendible; and, by this Alteration of the Common Law, and Confusion of the former Distinction of Property, very considerably diminished the personal Fund, liable to *all* Debts.

As these Circumstances were represented and believed to be great Discouragements to the Trade of the Mother Country, after repeated Requisitions to provide a Remedy in the Colonies, in which the Grievance was most sensibly felt, had been disregarded, the Statute was finally made.

This was, without Doubt, a Subject upon which the Superintendance of the Mother-Country might be justly exercised; it being relative to her Trade and Navigation, upon which her Wealth and her Power depend, and