

count of such Person or Persons Commitment and Imprisonment: Any Thing in this Act to the contrary, notwithstanding.

Session
Laws

An Additional and Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs.

Chap.
XXIV
[Explanatory act
1735. ch. 17]

Whereas it is necessary, as well to explain several doubtful Clauses in the Acts heretofore made for the Administration of Justice in Testamentary Affairs, as to make Additions to supply some Defects therein,

Be it therefore Enacted, by the Right Honourable the Lord Proprietary, by and with the Advice and Consent of his Lordship's Governour, and the Upper and Lower Houses of Assembly, and the Authority of the same, That no Negroe, or other Slave, shall be sold by any Executor or Administrator, or reserv'd for his or her own Use, for the Payment of any Debt due or owing to any Executor or Administrator; nor shall any Negroe, or other Slave, be taken in Execution for any Debt due from any Testator or Intestate, so long as there shall be other Goods, which were of such Testator or Intestate, sufficient to satisfy such Execution; the Executor or Administrator shewing such other Goods, which the Sheriff, or other Officer is hereby required to demand.

And be it further Enacted, by the Authority, Advice, and Consent aforesaid, That the Justices of the several County Courts, shall, every Court, as well by giving the same in Charge to the Grand-Juries, as by such other Ways and Means as the Truth may be best discover'd, enquire whether any Executor or Administrator hath received and not accounted for any Debts due to the Deceased, or neglected or omitted to receive or recover any Debt or Debts so due; and to call such Executors or Administrators before them: And if, upon Examination and Hearing of such Executor or Administrator, in his or her own Defence, it shall sufficiently appear, that such Executor or Administrator hath received and not accounted for, or neglected to receive or recover, any such Debt or Debts, that the Justices shall order their Clerk to enter the Particulars thereof on Record; which shall be allowed and received in Evidence, in any Suit to be commenced by the Guardian, during the Minority of the Orphan, or by the Orphan at full Age, or by any Creditor against the Executor or Administrator, or by the Ward against the Guardian.

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And be it further Enacted, That the Commissary-General shall be obliged to send Lists of the sperate and desperate Debts, to the County Courts, in the same Manner as Ballances are already directed to be transmitted, the better to enable the County Justices to make the Enquiries required by this Act to be made.

And be it Enacted, That the Justices of Assize shall give it in Charge to the respective Grand-Juries, to enquire whether the Jus-