

U. H. J.  
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Money therein mentioned or any part thereof be lost, without the neglect of the Assignee such loss shall be made good to the Assignee, out of the Estate of the Testator or Intestate, and if the Security or Securities in such Bond or Bonds were insolvent, or reputed of doubtful Ability to pay, at the Time of the Bond given, then the Assignee shall be paid and satisfied such Sum by the Executor: or Administrator out of his own proper Estate and his Assignment of such Bond or Bonds as aforesaid, shall not operate as a Discharge in manner aforesaid. And be it Enacted that the Appraisement or Inventory returned into the Prerogative Office may be given in Evidence in any Action brought against such Executor or Administrator, as hitherto used to prove the Value of the Estate, but shall not be conclusive either upon the Executor, Administrator, Creditor, or other person where it shall appear in proof that such Goods or Chattels bonâ fide Sold for more or less than the Appraisement, but the parties shall be concluded therein by the proof of the value on such Sale. Provided also, That no such Sale as aforesaid shall be made where the last Will and Testament of any Testator, who shall leave other Effects sufficient to satisfy his just debts, shall direct to the contrary or where any Residuary Legatee shall enter into sufficient Bond with good Security for the Payment of all the Testators Debts and lodge the same Bond in the Prerogative Office of this Province, with a Probate of the due Execution thereof made by the Subscribing Witnesses before the Commissary General Deputy Commissary or some Provincial or County Justice or other Magistrate having authority to Administer an Oath. And that Claimants may more easily know the value of such Sales Be it Enacted that Executors or Administrators shall with all convenient speed make out a List or Inventory of all such personal Estate as they shall as aforesaid cause to be Sold in Columns with the Dates names of the Buyers and the several Prices for which they Sold, also a distinct Column mentioning what thereof were included in the Inventory of the Appraisers and what thereof were not and shall then before some Magistrate duely authorised to Administer an Oath depose, or if a Quaker affirm, that after using his best Endeavours to procure Buyers by Notices put up and continued in many different places the most Publick and usual for Advertisements in the County and Neighbourhood of the place where the same were sold intimating the Time and Place of such Sale he had fully and fairly Sold the said Estate for the best Price that could be got in manner as by this Act is directed and that the said List is a just full and true Account thereof, which List shall be Subscribed by the Executor or Administrator and also by the Auctioneer if any and then with all Speed the Executor or Administrator shall cause the same to be lodged in the said Office

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And it being apprehended that an Auctioneer who is used to Sell in the said way would be more likely to procure the utmost value

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