

C H A P. IX.

An Act to enable James Lloyd and Anne his Wife, and Deborah Pemberton, surviving Executors of Robert Grundy, deceased, to convey the Lands and Water-Mill therein mentioned, according to the Sales thereof made by the Deceased in his Life Time. Lib. LL. N<sup>o</sup> 4. fol. 561. PR. Passed 3<sup>d</sup> Nov. 1722.

C H A P. X.

A further Supplementary ACT to the \* Act for the better Administration of Justice in Testamentary Affairs, granting Administrations, recovery of Legacies, securing Filial Portions, and Distribution of Intestates Estates. Lib. LL. N<sup>o</sup> 4. fol. 563. Ditto. \*1715, ch. 39.

**B**E it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That every Creditor having any Sum of Money, Quantity of Tobacco, or other Goods, due from the Estate of any deceased Person by Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, before the Executor or Administrator of the Debtor pay the same, shall be obliged to make a solemn Oath, or Affirmation if a Quaker, before some one Justice of the Provincial Court, one Justice of the Peace, the Commissary-General, or Deputy-Commissary, for the Time being, "That no Part or Parcel of the Money, Tobacco, or other Goods mentioned in such Judgment, Statute, Recognizance, Mortgage, Obligation, Protested Bill of Exchange, or other Writing, hath been paid, nor any Thing else given or delivered towards Satisfaction thereof, more than is taken Notice of and mentioned in such Oath or Affirmation;" and that what the Creditor shall confess on Oath or Affirmation to have received, shall be deducted out of the Debt; and the Residue paid by the Executor or Administrator having Assets. Every Creditor of any deceased Person by Judgment, Recognizance, &c. or other Writing, shall first make Oath, &c. and the Balance be paid by the Executor, &c.

II. And be it Enacted, That every Executor, or Administrator of a Creditor, shall before the Receipt or Recovery of any Debt due as aforesaid, from any other Executor or Administrator, Swear or Affirm, "That the Creditor (to the Knowledge of the Executor or Administrator, nor by any Book, Writing, Account, or other Thing appearing to such Executor or Administrator,) did not receive any Part or Parcel of the Debt more than is mentioned in such Oath or Affirmation; and likewise that he or she hath not received any Part of the Debt, or any Thing else towards Satisfaction thereof, more than he or she gives an Account of;" which is always to be mentioned particularly in such Oath or Affirmation, and deducted as aforesaid. Executors, &c. of Creditors, before Recovery of any Debt from other Executors, &c. shall make Oath, &c.

III. And be it also Enacted, That where any Creditor, or Executor or Administrator of a Creditor, shall obstinately refuse to swear or affirm according to the Directions of this Act, and will sue and implead the Executor or Administrator of the Debtor that shall offer, on its being done, to pay what shall appear to be really due, shall be Non-suit, and pay full Cost. Provided always, That such Non-suit shall not bar or estop the Plaintiff, to bring a new Action, if needful, first complying with the Directions of this Law; and that any Person that shall swear or affirm falsely in the Premises, and be thereof lawfully convicted, shall incur the same Pains and Penalties as in case of wilful and corrupt Perjury. Refusing to swear as aforesaid, shall be Non-suit, &c. but not barred of a new Action. False Swearing punishable as Perjury.

IV. And whereas several litigious Executors and Administrators, having enough in their Hands to satisfy all the just Debts of the Deceased, in Violation of their Duty, and the Trust in them reposed, have suffered themselves to be sued, presuming that the Deceased's Estate must be burthened with all the unnecessary Cost they vexatiously occasion, which has too frequently happened, to the great Delay of many honest Creditors, the Ruin of the legal