

Bonds, &c.
on which
actions may
be main-
tained, &c.

SEC. 9. *And be it enacted, by the authority aforesaid,* That upon all bonds, or other obligations under seal, that have or shall be assigned under hand and seal, the assignee shall and may, by virtue of such assignment, maintain an action or actions in his or her name against the obligor or obligors therein named, and if it shall happen that such obligor or obligors shall be unable to pay the debt mentioned in such obligation, or cannot be found in the place or county of his usual abode, or any other thing or casualty should happen whereby the assignee should not be able to receive or recover his debt from such obligor or obligors, that then and in every such case the like action shall and may be maintainable by such assignee against the obligee or obligees in such obligation mentioned, in case the said assignee hath not been, nor shall be, a surety in the bond or obligation assigned to him as aforesaid, any law, usage or custom, to the contrary notwithstanding; provided, that where any debt shall be lost by the negligence or default of the assignee or assignees, that the assignor or assignors shall not be liable, any such assignment notwithstanding.

Equitable assignees may prosecute judgments or sue in their own names, 1829, ch. 51; 1830, ch. 165.

Proviso.

SEC. 10. *Provided also,* That no action or actions shall be maintained in the name or names of any assignee or assignees upon any assignment wherein the obligee or obligees may be liable under this act, upon the default of the obligor or obligors as aforesaid, unless the assignor or assignors have made or shall make oath (or affirmation if a quaker,) before some magistrate, 'that he, she or they, hath or have received no part of the sum mentioned in such obligation, or but such part thereof as shall be mentioned in such oath or affirmation, at the time of making any such assignment,' to be endorsed on such bond or obligation

Punishment
for false
swearing.

SEC. 11. *And be it likewise enacted,* That any person knowingly swearing or affirming falsely in the premises, and being thereof convict, by due course of law, shall suffer as in the case of wilful and corrupt perjury.

SEC. 12. Altered by 1810, ch. 126.

CHAPTER 24.

AN ACT for the more effectual securing of Orphans' Estates.
Abrogated by 1798, ch. 101.

NOVEMBER, 1765.—CHAPTER 1.

A SUPPLEMENTARY ACT to the act, entitled, An act relating to the standard of English weights and measures.

Superseded by 1825, ch. 206.