

aforesaid, there shall be the same proceedings as is provided by the fourth section of the fifth chapter of the act to which this is a supplement.

In case a judgment shall be obtained against an executor, made a defendant, &c. *scire facias* may also issue against executor whose letters have been revoked.

SEC. 7. *And be it enacted*, That in case a judgment shall be obtained against any executor or administrator, made a defendant as aforesaid, and it shall not be found by the jury that such executor or administrator has assets sufficient to discharge the same, the plaintiff in such judgment may also issue a *scire facias* on such judgment against the executor or administrator whose letters have been revoked as aforesaid, suggesting that such executor or administrator, as the case may be, did receive assets of the deceased liable to such judgment, more than was paid over or delivered by such executor or administrator to the person or persons obtaining the said letters testamentary or of administration, and in case the same shall be controverted, it shall be ascertained and determined by a jury, in the same manner as in cases of *scire facias*, suggesting assets against the second executor or administrator, and in case of a verdict and judgment being given against such former executor or administrator, execution may issue thereon in the same manner as against other executors or administrators, and the plaintiff may also proceed against the securities in the same manner as against the securities of an executor or administrator whose letters have not been revoked.

Executor, &c. not bound to take notice of judgment against deceased, &c.

SEC. 8. *And*, whereas compelling an executor or administrator to take notice of all judgments and decrees against the deceased is productive of great inconvenience, as well to the executor or administrator as to the other creditors, in as much as he cannot, with safety, pay off other debts, though the said judgments or decrees may be fully discharged, unless such executor or administrator is in possession of the receipt or other legal evidence of the payment; and it appearing proper that such creditors, as to the manner and time of producing their claims, should be placed in the same situation as others; therefore, *Be it enacted*, That an executor or administrator shall not be bound to take notice of or discover any judgment or decree against his or her deceased, but such judgment or decree creditor shall exhibit his claim in the same manner as other creditors, and in case the same shall not be exhibited, such claim shall be barred in the same manner as if it rested on bond or simple contract; *Provided*, that nothing herein contained shall extend, or be construed to extend, to deprive such creditor of the preference given by the original act, in cases where the claim is in due time exhibited.

Proviso.

SEC. 9. *And be it enacted*, That in no case shall the order made by the orphans court, or by the register of wills, that an