

11. AND BE IT ENACTED, That on all sales to be made by the governor and council, and under their direction and appointment, of confiscated property, in pursuance of this act, deeds shall be executed by the chancellor to the purchaser or purchasers, in the same manner as for other confiscated property heretofore disposed of.

CHAP. 100.
Deeds to be executed by chancellor.

See 1785, ch. 66, s. 5, and 1814, ch. 103.

12. AND BE IT ENACTED, That in all cases where bonds shall be taken in virtue of this act, such bonds shall be a lien on the real property of the obligors from the date thereof, or on so much of the said real property as the governor and council shall think sufficient, to be particularly mentioned in a schedule to be annexed to the said bond, in which case it shall be a lien on the property contained in such schedule, and no more, such bond and schedule to be lodged with the treasurer of the western shore, and all such bonds shall express the county in which the obligors respectively reside; and the treasurer of the respective shores shall, within one month after they receive them respectively, cause them, with the schedules annexed to them, to be recorded in the office of the clerks of the western and eastern shores respectively, at the expense of the obligors, and a copy of said record, certified under the hand and official seal of the clerk in whose office the same record shall have been made, shall be as good evidence in any court of law or equity in this state as the original bond would be if it was produced.

Bonds to be a lien on property.

13. AND BE IT ENACTED, That the governor and council be and they are hereby requested to make communications to the next general assembly of the several proceedings under this act.

Proceedings under this act to be communicated to general assembly.

14. AND BE IT ENACTED, That the governor and council be and they are hereby authorised to allow to any person whom they shall think proper to appoint to sell any real property directed to be sold in virtue of this act, a sum not exceeding three per centum on the amount of any sale.

Commission allowed.

CHAP. CI.

A Supplement to an act (a) for amending, and reducing into system, the Laws and Regulations concerning Last Wills and Testaments, the duties of Executors, Administrators and Guardians, and the rights of Orphans and other Representatives of deceased persons. Lib. JG. No. 4, fol. 322.

Passed Jan. 8, 1809

(a) 1798, ch. 101. Other Supplements, 1804, ch. 78. 1807, ch. 136. 1810, ch. 34. 1816, ch. 203. 1817, ch. 178. See Nov. 1809, ch. 168, and Dec. 1813, ch. 165.

1. BE IT ENACTED, by the General Assembly of Maryland, That if an executor or administrator conceives that he hath not assets sufficient to discharge the claim, or any part thereof, for which a suit shall be brought against him, he may plead the fact, and a trial by jury shall be had thereupon; and if, on any trial so had against an executor or administrator, and the debt or demand of the plaintiff shall be contested, and there be any other issue joined than upon the subject of assets, the jury, if they find for the plaintiff upon the issues so to be joined, and the amount of assets so found by them be less than the debt or demand of the plaintiff, they shall declare the amount of the debt or demand, and likewise the sum to be paid by the defendant to the plaintiff, regard being had

Executor, &c. conceiving he has not assets to discharge claim for which he is sued may plead the fact, and a trial by jury shall be had thereon, &c.