

Executors or Administrators of Creditors, must take the same Oath.

Any Creditor, or Executor of a Creditor refusing to swear, and sues the Executor of a Debtor, who offers to pay, shall be Non-suit, and pay Costs. Provided such Non-suit shall not stop the Plaintiff from bringing a new Action according to this Act.

For Preventing litigious Law-Suits,

No Executor, shall hereafter be allow'd any Cost of Suit, in any Action recovered against such Executor, out of the Deceased's Estate, unless the Court shall certify he had just Cause for such Suit.

Every Deputy Commissary must give Bond, with Sureties, for the just Execution of his Office.

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 mention'd particularly in such Oath or Affirmation, and deducted as aforesaid.

*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.

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 repos'd, have suffer'd 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 Representatives, and Dis-reputation of the Deceased: For Remedy of which Evils for the future,

*Be it Enacted, by the Authority, Advice and Consent aforesaid,* That no Executor or Administrator shall hereafter be allowed any Cost of Suit, in any Action to be recovered against such Executor or Administrator, out of the Deceased's Estate, unless the Court before whom the Action is brought, shall certify to the Commissary-General or Deputy-Commissary, that the Executor or Administrator had just or probable Cause or Reason for withstanding such Suit.

*And be it further Enacted,* That every Deputy-Commissary shall enter into a Bond with sufficient Sureties, (such as the several County Courts who are hereby empowered and directed to take the same, shall approve of, payable to the Lord Proprietor, in the Penalty of Two Hundred Pounds Sterling) for the due and just Execution of his Office; which Bonds shall be lodg'd in the Prerogative Office, and liable to be assigned and sued, as the Sheriffs and other publick Officers Bonds are.