

be paid or recovered out of the full estate, and if no disbursements for debts or charges were to be made thereout: such persons giving security to refund to such executor, &c. according to the *English* stat. of 22 and 23. Car. II. cap. 10, 1718, c. 5, § 2.

16. Every creditor having money, tobacco or other goods, due from the estate of any deceased person, by judgment, statute, recognizance, &c. or other writing, before the executor or administrator pay the same, shall make oath (or affirmation if a Quaker) that no part of the money, &c. mentioned therein, hath been paid, or any satisfaction towards the same made, other than is taken notice of in the said oath, &c. and the balance, after deducting what is confessed in the creditor's oath, shall be paid by the executor, &c. having assets.—1722, c. 10, § 1.

17. Every executor or administrator of a creditor, shall, before the receipt or recovery of any debt due from any other executor, &c. swear or affirm, that the creditor (to the knowledge of the executor, &c.) did not receive any part of the debt, more than mentioned in such oath, &c. and that he hath not received any part of the debt more than he gives an account of, which shall be particularly mentioned in such oath, &c. and deducted as aforesaid.—*Ibid.* § 2.

18. When any creditor, or executor, &c. of a creditor, shall refuse to swear, &c. as aforesaid, and will sue the executor, &c. of a debtor, who shall offer, on its being done, to pay the real debt, he shall be nonsuit, and pay costs; but shall not be debarred of a new action, first complying with this law.—*Ibid.* § 3.

19. Persons convict of swearing or affirming falsely herein, shall suffer as in case of wilful and corrupt perjury.—*Ibid.*

20. No executor or administrator shall be allowed any costs of suit, in any action recovered against him, out of the deceased's estate, unless the court before whom brought shall certify to the commissary, that such executor, &c. had just or probable cause for withstanding such suit.—*Ibid.* § 4.

21. The several county courts shall, every court, as well by giving the same in charge to the grand jury, as by other means, enquire whether any executor or administrator hath received, and not accounted for, or neglected to receive or recover any debt due to the deceased? and shall call such executor, &c. before them, and if such default shall sufficiently appear, they shall cause the same to be entered upon record, which shall be allowed in evidence, in any suit commenced by the guardian during the minority, or by the orphan at full age, or by the creditor against the executor, &c. or by the ward against the guardian.—1729, c. 24, § 3.

22. No preference shall be given in the payment of debts, by any executor,