

by publick Sale or Auction, upon the best or most publick Notice of such intended Sale, and shall and may, for the enhancing the Price thereof to its full Value, give Credit not exceeding one Year, upon all Sums above Eight Pounds, upon Bond with good Security; and when such Goods and Chattels shall be to *bonâ fide* sold, the Executors or Administrators shall be answerable thereon for the Value of such Sale, and no more; and the Executors or Administrators may assign such Bond or Bonds to the Legatees or other Distributees, which shall discharge Executor or Administrator for so much against him or them, the said Executor or Administrator having first paid or Satisfied the Debts appearing to be due from such Estate. Provided always, that if after such Assignment, the Obligor or Obligors in such Bond become insolvent, so as the Money therein mentioned, or any Part thereof, be lost, without the Neglect of the Assignee, such Loss shall be made good to the Assignee out of the Estate of the Testator or Intestate; and if the Security or Securities in such Bond or Bonds, were insolvent, or reputed of doubtful Ability to pay at the Time of the Bond given, then the Assignee shall be paid and satisfied such Sum by the Executor or Administrator, out of his own proper Estate, and his Assignment of such Bond or Bonds as aforesaid, shall not operate as a Discharge in Manner aforesaid. And be it enacted, that the Appraisement or Inventory returned into the Prerogative Office, may be given in Evidence in any Action brought against such Executor or Administrator, as hitherto used to prove the Value of the Estate, but shall not be conclusive either upon the Executor, Administrator, Creditor or other Person, where it shall appear in Proof that such Goods or Chattels *bonâ fide* sold for more or less than the Appraisement, but the Parties shall be concluded therein by the Proof of the Value on such Sale. Provided also, that no such Sale as aforesaid shall be made, where the last Will and Testament of any Testator who shall leave other Effects sufficient to satisfy his just Debts shall direct to the contrary, or where any residuary Legatee shall enter into sufficient Bond with good Security for the Payment of all the Testator's Debts, and lodge the same in the Prerogative Office of this Province, with a Probat of the due Execution thereof, made by the subscribing Witnesses before the Commissary, Deputy Commissary, or some Provincial or County Justice, or other Magistrate having Authority to administer an Oath. And that Claimants may more easily know the Value of such Sales, Be it enacted, that Executors or Administrators shall, with all convenient Speed, make out a List or Inventory of all such Personal Estate, as they shall as aforesaid cause to be sold, in Columns, with the Dates, Names of the Buyers, and the several Prices for which they sold, also a distinct Column mentioning what thereof were included in the Inventory of the Appraisers, and what thereof were not, and shall then, before some Magistrate duly authorized to administer an Oath, depose, or if a Quaker, affirm, that after using his best Endeavours to procure Buyers, by Notices put up and continued in many different Places, the most usual and publick for Advertisements in the County and Neighbourhood of the Place where the same were sold, intimating the Time and Place of such Sale, he had fully and fairly sold the said Estate for the best Price that could be got, in Manner as is by this Act directed, and that the said List is a just, full and true Account thereof; which List shall be subscribed by the Executor or Administrator, and also by the Auctioneer, if any, and then with all Speed the Executor or Administrator shall cause the same to be lodged in the said Office. And it being apprehended, that an Auctioneer who is used to sell in the said Way would be more likely to procure the utmost Value than one unused therein, Be it enacted, that the Executors or Administrators may, if they think fit, hire such Auctioneer to sell such Estate in Manner aforesaid; and the Executors or Administrators may pay him as they can agree therefor, not exceeding the Rate of Two Pounds Ten Shillings *per Centum* on the Amount of such Sale.

" This Act to continue Three Years, and to the End of the next Session of Assembly after the End of the said Three Years."

Which was read; and the proposed Amendments were read and ordered to lie on the Table.
The House adjourns till To-morrow Morning 9 o'Clock.

F R I D A Y, November 29th, 1771.

THE House met. All Members present as on Yesterday.

The Proceedings of Yesterday were read.

The Amendments proposed by the Upper House to the Bill, entitled, A Supplementary Act to the Act, entitled, *An Act for the more effectual securing of Orphans Estates*, were read a Second Time, and referred for Consideration next Session of Assembly.

John Ridout, Esq; from the Upper House, delivers to Mr. Speaker, the Bill, entitled, *An Act empowering the County Courts to settle with Persons who were formerly Inspectors of Tobacco, and for the Ease of the People in Payment of Publick Dues*; thus endorsed: "By the Upper House of Assembly, Nov. 22, 1771: Read the First Time and ordered to lie on the Table."

Signed by Order, U. SCOTT, Cl. Up. Ho."
 "By the Upper House of Assembly, Nov. 28, 1771: Read the Second Time and will pass with the Amendments annexed."

Signed by Order, U. SCOTT, Cl. Up. Ho."
 "After the Word "Tobacco" in the Title, leave out the Remainder thereof. After the Word "unpaid" in the Sixth Line of the First Page, leave out what follows to the Word "Dues" inclusive, in the Seventh Line of the same Page. After the Word "Inspectors" in the Eleventh Line of the Second Page, leave out what follows to the End of the Bill." Which