

BILL.

An Act for the better Administration of the Estates of Deceased Persons.

WHEREAS the law relating to the administration of the Estates of deceased persons is greatly defective, and it is necessary that some improvement should be made therein:—Be it therefore enacted; &c.

Preamble.

- 5 That from and after the passing of this Act, no action or suit of any nature or kind soever shall abate or be discontinued by reason of the death of any of the parties to such action or suit, whether the plaintiff or defendant, demandant or tenant, or by whatever name such parties
10 may be called, but the same shall and may be proceeded with, by or against the personal representative of the party so dying, the death of such party being suggested on the proceedings, and the said suit or action being continued and carried on by *scire facias* in such form as
15 the Judges of the Superior Courts of Common Law shall by any rules from time to time to be made, direct and appoint.

Actions not to abate by death of parties; how continued.

- II. And be it enacted, That no personal representative of any deceased person shall be bound to plead or answer in any action, suit or bill, commenced, brought or
20 prosecuted against such personal representative, to enforce the payment of any debt, claim or demand alleged against such deceased person, after the expiration of one year from the death of such deceased person.

Actions against Personal representative to be brought within a year.

- 25 III. And be it enacted, That before any personal representative of any deceased person shall be required to pay any debt, claim or demand, made, prosecuted or brought against or on account of such deceased person, it shall and may be lawful for such personal representative,
30 if he shall think fit so to do, to require that the said debt, claim or demand, shall be verified by the oath or affirmation made before any commissioner for taking affidavits, or any magistrate, of some person cognizant thereof, who shall swear or affirm that the said debt, claim or
35 demand is correct, and has not been settled or reduced below the amount claimed, by payment or set off, or in any other manner whatsoever.

Personal representative may demand that the claim be sworn to.

- IV. And be it enacted, That all persons having any claim, debt or demand against any deceased person or
40 the estate of any deceased person, whether such claim,

All debts to be paid equally out of assets.