

Bacon on a Capias ad Respondendum be returned against the Executor or Administrator, or a Fieri facias returned nulla Bona by the Sheriff of the County where such Executor or Administrator live, or where the Effects of such Deceased lies, or such other apparent Insolvency or Insufficiency of the Person or Effects of such Executor or Administrator, as shall in the Judgment of the Provincial Court that hears the Cause, render such Creditors Remediless by any other reasonable Means, save that of suing such Bonds; on pain that such Person or Persons that shall cause such Bonds to be sued, contrary to the true Intent and Meaning of such Act, shall be condemned in full Costs of Suit to be adjudged by such Provincial Court, to the Defendant or Defendants that shall be so sued, against the Person or Persons that shall cause the same to be sued, and shall award Execution thereof as usual in other Cases.

III. And be it further Enacted, as aforesaid, That it shall and may be lawful for the Defendant or Defendants in such Suits to give this Act and the Special Matter in Evidence, without Specially Pleading the same; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Chap. XXV An Act declaring the Punishment for Burning of Court-houses.

Whereas it is represented to this present General Assembly, That there remained some Doubt in the Law, whether the Burners of Court-houses should have the same Judgment as against Clerks convicts, or to suffer Death; on which Doubt, the last Provincial Court, in Favour of Life, gave Judgment against the Person convict for Burning Kent County Court-house, only that he should be burnt in the Hand, &c. To clear up which Doubt for the future.

II. Be it Enacted, by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of his Lordship's Governor, and the Upper and Lower Houses of Assembly, and the Authority of the same, That any Person or Persons whatsoever, that shall hereafter be convict of wilfully Burning any Court-house within this Province, wherein any Records actually or usually are kept, although the same be not a Mansion-house, or such other House, for the Burning whereof the Offenders might heretofore have had the Benefit of Clergy, shall have Judgment to suffer Death, in the same Manner as if such Offender had been convict of maliciously and wilfully Burning a Mansion house; any Law, Statute or Usage to the contrary notwithstanding.