

persons that were disseized of such land by virtue of such writ, to re-enter upon and be reinstated in the same, to all intents and purposes, as if such writ had never been obtained, without being obliged to return any part of the purchase money for the same.

OCTOBER, 1720.—CHAPTER 24.

AN ACT to restrain the rigour of Prosecutions on Administration or Testamentary Bonds.

WHEREAS it is represented by some of the justices of the provincial court, that a most oppressive and pernicious practice is introduced of putting testamentary and administration bonds in suit in the provincial court, for the non-payment of small debts recovered in the county courts, without ever suing out writs of fieri facias or other executions to affect the estate of the deceased in the executors or administrators' hands, or without any insufficiency of such executors or administrators, whereby the act, entitled, An act to restrain the ill practices used by sheriffs in taking goods by fieri facias, and selling them by venditioni exponas, is entirely evaded, so far as it relates to executors and administrators, and the person and sureties of such executors and administrators are affected by such suing the said bonds, instead of the effects of the deceased; for prevention whereof for the future,

SEC. 2. *Be it enacted, by the right honorable the Lord Proprietary, 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 it shall not be lawful for any creditor or creditors to prosecute any such administration or testamentary bond for any debt or damages due from or recovered against any testator or intestate, or their effects, before a non est inventus 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.

No administration bond to be sued, &c.

* By 1838, ch. 329, an action may be brought in the county court of the county, where the defendant administered.