

C H A P.
XXIV.

Compos Mentis, or Imprisoned, or Persons beyond Seas, from bringing an Action or Actions, within Six Years after their coming to, or being of full Age, Uncovert, Sound Memory, at Large, or returned from beyond Seas, upon any Administration or Testamentary Bond.

In what case County Courts shall oblige Executors to give counter Security,

XXIII. And be it further Enacted, by the Authority, Advice and Consent *aforesaid*, That the several County Courts of this Province, shall, and are hereby impowered and required, as often as the Sureties, or any of them, or their, or any of their legal Representatives, on any Administration or Testamentary Bond or Bonds, passed for any Guardian, shall Petition said Court for Counter Security, to keep him, her, or them, indemnified from such Bonds, and make appear to the Satisfaction of such Court, that he, she, or they, is or are in Danger of suffering thereby, to cause the said Executors, Administrators, or Guardians, to give the said Petitioner or Petitioners sufficient Counter Security, to indemnify him, her, or them, from such Bonds: And in case the said Executors, Administrators, or Guardians, shall refuse or neglect to do the same, to cause Attachment against his, her, or their Bodies, to be issued, to compel him, her or them thereto. And in case such Executor, Administrator, or Guardian, shall not be able, or shall refuse or neglect to give such Security, it shall and may be lawful for such County Court, and they are hereby required, to order such Estate, or such Part thereof as shall be left in the Hands of the said Executor, Administrator, or Guardian, to be delivered into the Hands of the said Sureties, or their, or either of their legal Representatives, who are hereby impowered, by Process of Attachment or Distress, to be issued out of the said Court, to take and possess themselves of the same: And on Receipt thereof, shall be obliged to return an Account of what they shall so receive, to the said County Court, appraised upon Oath, by Two indifferent Persons to be appointed by the said Court; and the said Executor, Administrator, or Guardian, shall be discharged of so much as the said Sureties, or their, or either of their legal Representatives shall receive, by virtue of such Order or Process.

or be attached, and the Estate to be delivered up to the Sureties.

Duty of the Sureties in such Case.

Examined and Compared with the Original Act, REVERDY GHISELIN,
THOMAS BACON.

^c By 1735, *ch. 17, §. 2*, No such Order shall be executed, &c. or Process therein issued, before such Sureties, &c. have entered into Bond or Recognizance to his Lordship before the Court, with two sufficient Sureties for their Delivery or Payment of all Goods, &c. which shall come to their Possession by virtue of such Order, or the Value thereof, according to Law, to any Persons having Right to, and lawfully requiring the same, &c.

C H A P. XXV.

Passed 8th
August 1729.

An ACT to prevent rigorous Prosecutions on Sheriffs, Testamentary, Administration, and Deputy-Commissaries Bonds. *Lib. L. N^o 5. fol. 315.*

Preamble.

WHEREAS it is represented to this General Assembly, that Sheriffs and Testamentary Bonds are frequently put in Suit, in the Provincial Court; and that the Persons causing such Bonds to be sued, upon their obtaining Judgments, frequently issue Executions for the whole Penalties contained in such Bonds, with Direction to the Sheriff, or Coroners, to release the Party executed, upon Payment of what the Creditor alleges his Demand to be.

II. And whereas an Act of Parliament made the Eighth and Ninth Years of King *William* the Third, entitled, *An Act for the better preventing frivolous and vexatious Suits*, does not fully provide for the Evils complained of;

No Judgment shall be obtained on such Bonds,

III. Be it Enacted, by the Right Honourable 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