

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 the Clergy, shall have Judgment to suffer Death, in the same manner as if such Offender had been convicted of maliciously and wilfully Burning a Mansion-House, any Law, Statute or Usage to the contrary, notwithstanding.

Persons wilfully burning, a Court house, To receive Sentence of Death.

An ACT to restrain the Rigour of Prosecutions on Administration or Testamentary Bonds.

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Article 213

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 effect the Estate of the deceased in the Executors or Administrators Hands, or without any Insufficiency of such Executors or Administrators, whereby the Act entituled, *An Act to restrain the ill Practices used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditione exponas*, is entirely evaded, so far as it relates to Executors and Administrators, and the Persons and Sureties of such Executors and Administrators are effected by such suing the said Bonds instead of the Effects of the Deceased: For Prevention whereof for the Future,

Oppressive Practices in suing Administrators in the Provincial Court, for small Debts,

Prevented.

Be it Enacted by the Right Honourable the Lord Proprietor, by and with the Advice and Consent of His Lordship's Governour, 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 lyes, 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 Cost 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 Creditor to sue Administrators for small Debts,

Before a proper Return be made, of a *Non est inventus*, *Nulla bona*, &c.

Or such other Insufficiency of the Administrator as the Provincial Court shall deem reasonable,

On Pain of full Costs of Suit.

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

And the Defendants may plead this Act, to have Execution awarded.