

1. **I**N suit brought by any orphan, or other legatee, on any testamentary or administration bond, for default of compliance with the testamentary laws, the court shall proceed to judgment and execution, notwithstanding any injunction or chancery proceeding to delay the same, unless a final decree be obtained: But if any party to such suit, thinking himself relievable in equity, may proceed in chancery.—1718, c. 5. §. 2. and 3.
2. No creditor shall prosecute any administration or testamentary bond, for any debt or damage due from or recovered against any deceased person's effects, before a *Non-est* on a *Capias ad Respondendum*, be returned against the executors or administrators, or a *Fieri Facias* returned *Nuda Bona* by the sheriff; or such other apparent insolvency in the person or effects of such executor, &c. as shall (in the judgment of the provincial court) render such creditor remediless by any other means than suing the bonds, on penalty of being condemned in full costs: and the defendants may give this act, &c. in evidence, without special pleading.—1720, c. 24.
3. All actions upon administration and testamentary bonds, shall be commenced within twelve years after passing the bond, and not after. Saving to infants, *Femme Covert*, *Non Compos*, imprisoned, or beyond sea, a right of bringing such actions within five years after disability removed.—1729, c. 24, §. 21, 22.
4. No judgment shall be obtained in any suit, brought on a sheriff's or testamentary bond, till the creditor clearly make appear to the court what the debt is; and, upon notice given the defendant, or left at his house, twenty days before court, with a copy of the nature of the demand, the court may assess damages, or appoint auditors to adjust the same, and give judgment thereon: But execution shall issue for no more than the sum appearing to be due.—1729, c. 25, §. 3.
5. Unless a writ of enquiry be prayed for by either party, which shall then be issued by the court, and proceeded in according to the *English* statute of 8 and 9, W. III. c. 11. and execution shall issue for no more than found by the jury, with costs and interest.—*Ibid.*
6. And no other creditor (on such judgment obtained) shall come in for any part of the penalty, without serving a *Scire Facias*, which shall be sued within eighteen months after such recovery, and not after; and shall also contain the nature of the demand, and the sum due.—*Ibid.*

See *Limitation of Actions*, 7.—*Bonds Public*, 2, 3, 4, 5, 6.

Administrators.