

in suit in the provincial court, for the non-payment of small debts recovered in the county courts, without ever suing out writs of *feri 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 *feri 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,

C H A P. XXIV.

1716, ch. 16.

II. 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 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 *feri 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.

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.

General issue pleadable.

C H A P. XXV.

An ACT declaring the punishment for burning of court-houses.

Passed 27th of October, 1720.

Lib. LL. No. 4. fol. 505.

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 convicted, or to suffer death, on which doubt, the last provincial court, in favour of life, gave judgment against the person convicted for burning Kent county court-house, only that he should be burnt in the hand, &c. to clear up which doubt for the future,

Preamble.

II. 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 any person or persons whatsoever that shall hereafter be convicted 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 convicted of maliciously and wilfully burning a mansion-house, any law, statute or usage to the contrary notwithstanding.

Persons convicted to suffer death.

C H A P. XXVI.

A Supplementary act to the act, entitled, * An act for laying an imposition on negroes, and on several sorts of liquors imported, and also on Irish servants, to prevent the importing too great a number of Irish papists into this province. Lib. LL. No. 4. fol. 506.

1715, ch. 36.

C H A P. XXVII.

An ACT for the relief of Mareen Duval, a languishing prisoner in Prince-George's county. Lib. LL. No. 4. fol. 507. A Private Act.

C H A P. XXVIII.

An ACT empowering Messieurs William Clayton, of Talbot county, and James Earle and William Turbutt, of Queen-Anne's county, to sell off the lands of Robert Smith, Esquire, late of Talbot county aforesaid, deceased, to pay to Richard Cole, of Queen-Anne's county, and Mary his wife, the daughter and heir of Renuus Smith, deceased, the surviving executor of the said Robert Smith, deceased, what the said Renuus Smith paid on account of the said Robert Smith, more than effects came to his hands, and for the payment of his other debts. Lib. LL. No. 4. fol. 511. A Private Act.

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