

**C H A P. K.** IV. AND, whereas several litigious executors and administrators, having enough in their hands to satisfy all the just debts of the deceased, in violation of their duty, and the trust in them reposed, have suffered themselves to be sued, presuming that the deceased's estate must be burthened with all the unnecessary cost they vexatiously occasion, which has too frequently happened, to the great delay of many honest creditors, the ruin of the legal representatives, and disreputation of the deceased; for remedy of which evils for the future, BE IT ENACTED, by the authority, advice and consent aforesaid, That no executor or administrator shall hereafter be allowed any cost of suit, in any action to be recovered against such executor or administrator, out of the deceased's estate, unless the court before whom the action is brought shall certify to the commissary-general or deputy-commissary, that the executor or administrator had just or probable cause or reason for withstanding such suit.

No executor to be allowed costs, &c.

By 1798, 101, ch. 8, section 5, costs may be allowed for instituting, prosecuting or defending actions, if the court awarding them shall certify that there were probable grounds.

Deputy-commissary to give bond.

V. AND BE IT FURTHER ENACTED, That every deputy-commissary shall enter into a bond, with sufficient sureties, (such as the several county courts, who are hereby empowered and directed to take the same, shall approve of, payable to the lord proprietor, in the penalty of two hundred pounds sterling,) for the due and just execution of his office, which bonds shall be lodged in the prerogative office, and liable to be assigned and sued as the sheriffs and other public officers bonds are.

**C H A P. XI.**

Passed 3d of Nov. 1722.

An ACT for the continuance of process in Baltimore county court. Lib. LL. No. 4. fol. 565.

**C H A P. XII.**

1715, ch. 41.

An ACT for regulating americiaments in the provincial and county courts, and directing the application of them, and for repealing part of an act, entitled, \* An act for the better administration of justice in the high court of appeals, chancery, provincial and county courts of this province, for the more speedy recovery of debts, easy obtaining of executions against persons absenting from the counties where the judgments were recovered against them, for preventing commissioners, sheriffs, sub-sheriffs and deputy-clerks, to plead as attorneys in the respective courts to which they belong, and for americiaments in the provincial and county courts. Lib. LL. No. 4. fol. 565.

Plaintiff shall be americed, &c.

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 of this province, and the authority of the same, That every plaintiff, not being an executor, administrator or minor, that shall be cast in any cause in the provincial court, or discontinue his suit, shall be americed fifty pounds of tobacco, and every defendant in the same court, not being an executor, administrator or minor, that shall be cast, if he imparles, shall be americed fifty pounds of tobacco, to be applied as the governor and council shall direct (a); and that every plaintiff in the county court, (not being an executor, administrator or minor,) that shall be cast in any cause, or shall discontinue the same, shall be americed thirty pounds of tobacco; and that every defendant, not being an executor, administrator or minor, that shall be cast, if he imparles, shall be americed thirty pounds of tobacco, to be applied to the defraying the county charge; all which americiaments to be levied by the sheriffs, by way of execution, in the same manner as the public and county levies are. (b)

(a) They are not now under the direction of the governor and council, but are applied to the use of the colleges.  
 (b) By February, 1777, ch. 6, the americiaments are to be paid by the sheriffs to the treasurer.

Proviso.

II. PROVIDED, That no defendant shall be liable to any americiament against whom judgment shall be rendered the first court.

Clause repealed.

III. AND BE IT FURTHER ENACTED, That one clause of an act, entitled, An act for the better administration of justice in the high court of appeals, chancery, provincial and county courts of this province, for the more speedy recovery of debts, easy obtaining of executions against persons absenting