

gal 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.

An ACT to prevent rigorous Prosecutions on Sheriffs, Testamentary, Administration, and Deputy-Commissaries Bonds.

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.

AND WHEREAS an Act of Parliament made the Eighth and Ninth Years of King *William* the Third, Intituled, *An Act for the better Preventing frivolous and vexatious Suits*, does not fully provide for the Evils complained of,

BE IT ENACTED, by the Right Honourable the Lord Proprietary, 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 Person or Persons, causing such Bonds to be sued, to proceed to Judgment, untill the Creditor or Creditors, clearly make appear to the Court, what his, her, or their Demand is, or are; which Court may, and they are hereby impowered, upon the Defendants having Notice given him, her, or them, or Notice left at the Place of his, her, or their last Place of Abode, Twenty Days before the Court, in which the Plaintiffs apply, for such Debt or Demand to be assessed; as also a Copy of the Nature of his, her, or their Demand, attested by the Clerk to assess such Damages, or appoint Auditors to adjust such Demands; whereupon it shall be lawful for such Court to give Judgment to such Creditor or Creditors, on such Bond in usual Manner: But that Execution only issue for such Sum as shall be made appear to be due, unless the Party at whose Request such Bond be sued, or the Defendant or Defendants apply to the Court, praying a Writ of Enquiry; which, if either Party prays, shall be issued by the Court, to be proceeded in, according to the Directions of the aforesaid Act of Parliament; and that Execution issue for no more than found by the Jury, with Costs and Interest, 'till Payment made or tender'd. And that where any such Bond is proceeded on to Judgment, no other Creditor shall come in for any Part of the Penalty under Pretence of any Thing being due to such Creditor, without sending a *Scire Facias* to be served, which *Scire Facias* shall be sued within Eighteen Months after such Recovery, and not after;