

Lands not to be replied or suggested until Heir, &c., party to the suit. **3.** In any action against the personal representative of any deceased debtor, the plaintiff shall not be at liberty to reply or suggest lands left by the deceased, applicable to the payment of the debt sought to be recovered until after he has made the heir-at-law, tenant in special occupancy, or devisee, as the case may be, a party defendant to the suit. 5

Mode of making Heir, &c., party to suit. **4.** When the plaintiff in any such action desires to reply lands, he shall make a suggestion to the effect that the deceased died seised of lands applicable to the payment of the debt sought to be recovered. To Wit: Certain lands (specifying the lands as nearly as he may be able to do) which are in the hands of (naming him) as heir-at-law, &c. as the case may be, and that he the plaintiff prays the proceedings may be stayed, and that the said heir-at-law, &c., as the case may be, may be made a party to the suit to answer thereto.

Scire facias. **5.** The plaintiff shall then be at liberty to issue a *scire facias* to the effect that the plaintiff had declared against the personal representative (stating shortly the substance of the declaration) and that the defendant pleaded (stating shortly the substance of the pleas) (or did not plead as the case may be,) that the plaintiff has alleged that the deceased died seised of lands, &c. That he desires to reply (or suggest) lands as the case may be, and that he therefore prays that the party to be summoned as heir-at-law, &c., (as the case may be) in whose hands the said lands are, may be summoned to plead to the said action. 15 20

Wherefore the said party is required to be and appear at the place where the proceedings are filed within one month after the service of a copy of the writ upon him, to plead to the said action. 25

Issue, &c., of writ. **6.** The Writ shall be issued, tested, signed, sealed, served and returned in like manner as the Writ of Summons at the commencement of the suit. The defendant shall enter an appearance. If he fail to do so the plaintiff shall do so for him. The plaintiff shall then serve the defendant with a copy of the pleadings, to which the defendant shall plead in like manner, as any other defendant may plead, and the suit shall proceed in like manner in all respects as other suits. 30

Sales, &c., made by Heir before suit valid. **7.** All *bona fide* sales and leases made by the heir, devisee or special occupant before suit shall prevail against all creditors who desire to charge the lands by such suit or action. 35

Sales, &c., made after suit valid, unless notice of plaintiff's claim is registered. **8.** All *bona fide* sales and leases made by the heir, devisee or special occupant after suit brought and before final judgment, shall be valid unless the purchaser or lessee had actual notice of the pendency of such suit or action before such sale or lease made, or unless before such sale or lease made a notice of the pendency of such suit or action has been filed in the Register Office of the County where the lands lie, to the effect that such suit or action is pending, and that the plaintiff will claim to make the lands of the deceased, in the hands of the heir, devisee or special occupant liable in the said suit or action. 40

Sales, &c., after judgment void. **9.** All sales and leases made after final judgment against the lands shall be void as against such judgment; provided the judgment is registered in the county where the lands lie within one month after it has been entered. 45

Notice to be registered. **10.** The notice to be filed in the Register Office shall be to the following effect: 50
 In (naming the Court,) Between (naming party)
 plaintiff, and (naming party) defendant.