

Bacon
Chap. V A Supplementary Act to the Act for the better Administration
of Justice in Testamentary Affairs, &c.

Whereas the Act of Assembly of this Province, entitled, An Act for the Administration of Justice in Probate of Wills &c. it is amongst other Things enacted, That when a full Account is made up by any Administrator of any Intestate's Estate, the Judge therein mentioned shall make, or cause to be made, Distribution as therein directed, the making up of which Account is oftentimes designedly delayed, and the Estate thereby kept from the right Owners: For Remedy whereof,

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 and may be lawful for any Legatee, or others, that have Right to any Legacy, or to the Residue of any Testator's or Intestate's Estate, after the Expiration of Twelve Months from the Date of the Letters Testamentary, or Letters of Administration of such Deceased's Estate, to demand and sue for such their Legacies or Residuary Part of such Deceased's Estate as shall then appear to be their Due by such Accounts as shall then be made up by that Time, that then such Legacies or Residue shall be paid or recovered out of the full Estate, in the same Manner as if there were no Disbursements for Debts or Charges to be made thereout, such Residuary Legatees, or others, that Right have as aforesaid, giving Security to refund to such Executor or Administrator, according to the Directions of the Statute of the Twenty-second and Twenty third of Charles the Second, Chap. 10. And that in case any Suit shall be brought on any Testamentary or Administration Bond, by any Orphan or other Legatee, for Default of Compliance with the Act for the better Administration of Justice in Probate of Wills &c. or this present Act, it shall and may be lawful for such Suitors, and their Agents, Solicitors or Attorneys, and the several Courts of Law before whom such Suits shall happen to be brought, are hereby required to proceed to Judgment and Execution on such Bonds, without taking Notice of any Injunction, or other Chancery Proceeding, to stop, hinder, or delay the same, unless he shall obtain a final Decree, on full Hearing, or running out the Process for the Awarding of such a Writ.

III. Provided nevertheless, That in case any Party to such Suit shall conceive himself properly relievable in Equity on