

respectively shall have full power to decree or direct what part of the personal estate shall be retained or appropriated for the purpose, and in what manner it shall be disposed of, and the legacy or benefit intended by the will shall be secured for the person to be entitled at a future period, or contingency, and how the necessary part of the personal estate, to be appropriated for the purpose, shall be prevented from lying dead, or being unproductive, and how it shall be applied, agreeably to the intent of the will, or the construction of law, in case the contingency shall not take place.

CHAP. 101.

10. And once in each year, or oftener if required, a guardian shall settle an account of his trust with the orphans court; and the said court shall ascertain, at discretion, the amount of the sum to be annually expended in the maintenance and education of the orphan, regard being had to the future situation, prospects and destination, of the ward; and the said court, if it shall deem it advantageous to the ward, may allow the guardian to exceed the income of the estate, and to make use of his principal, and to sell part of the same, under its order; provided nevertheless, that no part of the real estate shall, on account of such maintenance or education, be diminished, without the approbation of the court of chancery, or general court, as well as of the orphans court.

CHAP. 12.
Guardian to settle
the account,
&c.

16. Nothing in this act contained shall be construed to affect the general superintending power exercised by the court of chancery with respect to trust.

Nothing in this
act to affect the
power of the court
of chancery.

6. No executor shall be obliged to exhibit any inventory, or account, provided he will give bond, instead of the bond herein before directed, with such security, and in such penalty, as the court shall approve, to the state of Maryland, to be recovered and sued as before directed, with condition "for paying all just debts of, and claims against, the deceased, and all damages which shall be recovered against him as executor, and also all legacies bequeathed by the will," provided the said executor be residuary legatee, or provided the residuary legatee of full age, shall notify his or her consent to the court; and in case such bond be given by an executor, he shall be answerable for all debts, claims and damages, recovered against him as executor; and if suit be brought against him as executor, the judgment shall be for the whole sum found by the jury, or otherwise ascertained, and execution may issue, and have effect, as if he were sued in his own right; and any legatee shall be entitled to recover the full amount of his legacy, either in a suit upon the said executor's bond, or in a suit in chancery, as is usual in case of legacies, or in an action on the case, in which the giving of such bond shall be considered as an assent to the legacy.

CHAP. 14.
Executor need
not return an in-
ventory, &c. pro-
vided he will give
bond, &c.

Legatee may sue
in chancery, &c.

NOVEMBER SESSION, 1799.

CHAP. LXXIX.

An Act to prevent unnecessary delay and expense, and for the further advancement of Justice, in the Court of Chancery. Passed Jan 3, 1800 Lib. JG. No. 3, fol. 331.

BE IT ENACTED, by the General Assembly of Maryland. That Defendant, non-resident, being summoned, a day to be limited, &c.

in case any defendant in a cause instituted, or hereafter to be instituted, in the court of chancery, resides, or shall reside, out of the