

Lib. L. L. No. 64. An Act for the better Administration of Justice in Probatt of Wills and granting Administrations Recovering of Legacys and securing filiall portions.

Whereas for due Administration of Justice it is most necessary that the Wills of all Persons may be duly proved and Letters of Administration of the Estates of all persons dying without wills may be granted to such persons who have the best right to succeed thereto and all legacys Speedily recovered and filial portions and orphans Estates duly secured and easily obtain'd according to the true Intent of the laws heretofore made now in force or hereafter to be made.

p. 18 Be it enacted by the Queens most excellent Majesty by and with the Advice and Consent of her Majestys Governour Councill and Assembly of this Province and the Authority of the same that the Judge or Comissary Generall for probatt of Wills and granting Administrations shall hold his Court once in two months at the least or oftner as the Case shall require and therein shall proceed according to the law of England now in force or to be hereafter in force within twelve months after such Laws shall be publishd in the Kingdom of England if pleaded before him saving in such Cases as by this present Act is provided and that it shall and may be lawfull for the Iudge for probatt of Wills to prove any last will within this Province altho: the same concern Titles of Land any Law usage or Custom of England to the Contrary notwithstanding.

And to the end that all filiall portions may be secured to the Children of all persons dying intestate and legacys paid to of making wills Be it likewise enacted by the Authority aforesaid by and with the Advice and consent aforesaid ffirst that the Judge for probatt of Wills and granting Administrations shall call all Executors and Administrators to Account for the Estate of all persons deceased within twelve months next after Administration comitted And if any Administrator shall faile to give an Account within the time aforesaid being lawfully thereunto cited That then the said Judge if he see just cause may revoke the first Letters of Administration to such Administrator comitted and shall grant Administration de bonis non Administratis to some other person as in his discretion he shall think fitt Which said Administrator duly appointed shall give Security as all other Administrators do and shall sue and implead the former Administrator before the Judge aforesaid for an Account of the Estate of the Intestate And in Case it shall appear to the Judge aforesaid that the former Administrator hath wasted and imbezelled the Estate of the Intestate then the Judge shall assign the bond entered into by the former Administrator and his Security unto the latter Administrator to be relieved against them for such Wasting or embezileing.