

## C H A P. XVII.

Passed 23<sup>d</sup>  
April 1735.

\* 1729, *cb.* 24.

An ACT to supply some Defects in an Act, entitled, \* An Additional and Supplementary Act to the several Acts for the Administration of Justice in Testamentary Affairs. *Lib.* B.L.C. *fol.* 134.

Preamble.

**W**HEREAS by the above mentioned Supplementary Act, the several County Courts within this Province, are impowered, on the Neglect and Refusal of Principals, in the Bonds of Executors, Administrators, or Guardians, to counter-secure their Sureties in those Bonds, to order the Estate for the Administration or Payment whereof the said Sureties shall be bound, or such Part thereof as shall be left in the Hands of the said Executor, Administrator or Guardian, to be delivered into the Hands of their Sureties, or their Representatives, who are impowered by Process of Attachment and Distress, to take and possess themselves of the same, which Possession is made a Discharge to the Executor, Administrator, or Guardian, therefrom; and yet the said Sureties, or their Representatives, are not required to give any Security for the due Payment or Delivery of the same, according to Law, whereby the Loss of the Estates of Infants, Persons absent, and Others, may be greatly endangered: For Remedy whereof,

Sureties obtaining an Order of Court, pursuant to 1729, *cb.* 24, §. 23, shall give Bond for Payment of the Estate to Persons having legal Right.

II. *Be it Enacted, by the Right Honourable the Lord Proprietary of this Province, 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* no Order of a County Court for the Delivery of an Estate into the Hands of any Surety or Sureties, or any of their Representatives, by virtue of the said Act, shall, in any Manner, be pursued, obeyed, or executed, or any Process thereon be issued, before the said Surety or Sureties, or their Representatives, obtaining such Order, have entered into a Bond or Recognizance, to the Right Honourable the Lord Proprietary of this Province, before that Court, with Two sufficient Sureties, in such Sum as the same Court shall judge necessary, under Condition to be void, on the said Sureties, or their Representatives, their Delivery or Payment of all Goods and Chattels which shall come to their Possessions, by Virtue of, or under, such Order, or the Value of them, as the Laws of this Province do require, to any Person or Persons who have Right to demand the same, when they shall be thereunto lawfully required.

The Bonds to be filed, and may be sued as Testamentary Bonds.

III. *And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That* every such Surety and Sureties, and every of their Representatives, that have at any Time heretofore, by the Order of any of the County Courts of this Province, taken and possessed themselves of all, or any part of the said Estate, for the Administration or Payment whereof the said Sureties have been Bound, and not given any Security for the due Payment or Delivery of the same, according to Law, shall be compelled by the Justices of the respective County Courts, by Summons, Attachment, and Distress, to enter into Bond or Recognizance to the Right Honourable the Lord Proprietary, with Two sufficient Sureties, in such Sum as the same Justices shall judge necessary, under Condition, to be void on the said Sureties or their Representatives, their Delivery or Payment of all Goods and Chattels, which have come to their Possessions, by virtue of, or under any such Order, or the full Value of them, as the Laws of this Province do require, to any Person or Persons who have a Right to demand the same, when they shall be thereunto lawfully required: Which Recognizances or Bonds shall be filed or lodged in the Court wherein they are made, and shall be assignable to, and may be sued by, any Person or Persons who shall be injured by the Non-performance of their several Conditions, in such Manner as Testamentary or Administration Bonds now are assigned and sued; any Law, Usage or Custom to the contrary notwithstanding.

*Examined and Compared with the Original Act,* REVERDY GHISELIN,  
THOMAS BACON.

C H A P.