

CHAP. 315.

hands, and any person conceiving him or herself interested in such estate, or in the proceeds or sales thereof, shall be entitled to, and have on demand a copy of such bond, and a certificate from the register, under his hand and the seal of his office, upon which copy and certificate an action may be maintained in the name of the state, for the use of the party interested, and judgment may be recovered upon such action for the damage actually sustained.

Suit thereon authorised.

Case of apprehended concealment of property.

Executor or administrator may file petition.

Orphans court authorised to compel answer

Commit for refusal

Compel delivery over.

Appeal provided.

Case of alleged concealment by the executor or administrator.

Sec. 12. *And be it enacted*, That if any executor or administrator shall believe that any person hath concealed any part of the personal property of a deceased person, upon whose estate such executor or administrator may have obtained letters testamentary, or of administration, and shall file a petition or bill of complaint in the orphans court of the county, in which he may have received letters alledging such concealment, it shall be the duty of such court to compel the person against whom such allegation shall be made, to answer such petition or bill of complaint, in writing, under oath, and may attach and commit the party, in case he or she shall refuse so to answer, and in case the said court shall believe, upon an examination of the whole case, that the party against whom such allegation shall be made, hath concealed any part of the personal estate of the deceased, the said court may order the delivery over of the same to such executor or administrator, and may compel such delivery over by attachment, sequestration of property, and the imprisonment of the party, if the said court shall think proper; *Provided*, That in case either party, after a perfect answer put in, shall require it, the court shall direct an issue or issues to be made up, and sent to any court of law which may be most convenient under all circumstances for trying the same, and the said issue or issues shall be tried in the said court of law in the same manner, and there shall be the same proceedings had thereupon as is prescribed by the act of seventeen hundred and ninety-eight, chapter one hundred and one, in relation to other issue or issues sent from the orphans court.

Sec. 13. *And be it enacted*, That the provisions of the foregoing twelfth section of this act, be, and they are hereby extended to all cases where any creditor, or the widow, or any next of kin, legatee, or devisee of the testator or intestate, or where any other person interested in the estate of the testator or intestate, shall, by petition or bill of complaint as aforesaid, alledge that the executor or executors, or any of them, or administrator, or administrators, or any of them, has concealed, or has in his or their hands, and has omitted to return in and as part of the inventory of