

1729.

JULY.

CHARLES LORD BALTIMORE.

C H A P.  
XXIV.

such administrator shall pay the said balance of such estate in current money, or in specie, at the discretion of the visitors, for the payment whereof, if in current money, he shall be allowed ten per cent. if in specie, five per cent. and no more.

Proviso.

XVIII. PROVIDED, That in case such administrator be of kin to the deceased, within the fifth degree of either consanguinity or affinity, then such administrator, and all others that are as nearly related to the deceased as such administrator, shall have as good a right to such residue as if he or they were brothers or sisters children to the deceased, and such balance shall be distributed accordingly.

Proviso.

XIX. PROVIDED NEVERTHELESS, That in case there be a widow, no collaterals shall be admitted, other than these directed by this act, but such widow shall have the whole residue of such estate, any thing herein before contained to the contrary thereof notwithstanding.

Proviso.

XX. PROVIDED NEVERTHELESS, AND BE IT ENACTED, *by the authority, advice and consent aforesaid,* That in case such residue shall happen to be paid to such visitors as aforesaid, in default of legal representatives as aforesaid, and that any legal representatives of no remoter degrees amongst collaterals than brothers or sisters children, shall at any time appear, and prove him, her or themselves to be such legal representatives, that then the visitors that received the residue of such estate, or their successors, if it shall be in their hands, shall restore the same to such legal representative or representatives; and if such residue shall be actually applied to the use and support of the public school, that then the public stock of such school, in the hands of the public treasurers of this province, or either of them, shall be liable to make satisfaction to such representative or representatives, of such residue, and that the said visitors shall give an order to such representative or representatives for the same, on the public treasurers, who shall be obliged, by virtue of this act and such order, to pay the same out of the public stock of such school, if so much in their hands, if not, so much as shall be in their hands, and the residue when they shall receive so much to the use of such school; and if the administrator shall be obliged to pay any further debt or duties that were due from the deceased, such legal representative receiving the said residue shall refund to such administrator the value of what such administrator shall be obliged to pay as aforesaid, provided the same doth not exceed the residue received by such representative, any thing in the said act for the application of such intestates estates, &c. to the contrary in anywise notwithstanding.

Actions, when to be commenced.

XXI. AND, forasmuch as disputes have arisen whether the act of limitation extends unto actions brought upon testamentary and administration bonds, BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That all actions upon administration and testamentary bonds shall be commenced within twelve years after the passing of the said bonds, and not after.

Proviso.

XXII. PROVIDED ALWAYS, That nothing in this act shall be construed to bar any person within the age of twenty-one years, *feme covert, non compos mentis* or imprisoned, or persons beyond seas, from bringing an action or actions within six years after their coming to or being of full age, uncovert, found memory, at large, or returned from beyond seas, upon any administration or testamentary bond.

Courts may oblige executors to give counter security, &c.

XXIII. AND BE IT FURTHER ENACTED, *by the authority, advice and consent aforesaid,* That the several county courts of this province shall, and are hereby empowered and required, as often as their sureties, or any of them, or their or any of their legal representatives, on any administration or testamentary bond or bonds, passed for any guardian, shall petition said court for counter security, to keep him, her or them, indemnified from such bonds, and make appear to the satisfaction of such court, that he, she or they, is or are in danger of suffering thereby, to cause the said executors, administrators or guardians, to give the said petitioner or petitioners sufficient counter security, to indemnify him, her or them, from such bonds; and in case the said executors, administrators or guardians, shall refuse or neglect to do the same, to cause attachment against his, her or their bodies, to be issued, to compel him, her or them thereto; and in case such executor, administrator or guardian, shall not be able, or shall refuse or neglect to give such security, it shall and may be lawful for such county court, and they are hereby required, to order such estate, 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 the said sureties, or their or either of their legal representatives, who are hereby empowered, by process of attachment or distress, to be issued out of the said court, to take and possess themselves of the same, and on receipt thereof, shall be obliged to return an account of what they shall so receive to the said county court, appraised upon oath, by two indifferent persons to be appointed by the said court;