

SESSIONAL PAPER No. 30

allegiance personally appear in the said Court on a day in the said Proclamation to be named; and in case the Sheriff return that the party is not found, and he do not appear at the time and place as commanded that the said Courts, and each of them may proceed to a sequestration of the personal effects, goods and chattels of the said party, in contempt to be directed to certain persons to detain and keep the same, till the said contempts be cleared or the Court make other order to the contrary.

XIII. And be it further enacted by the authority aforesaid, that in all cases where any administration shall be granted with a will annexed either by the Judge of the Court of Probate of this Province, or by any Surrogate of any District of this Province, such Letters shall contain an express provision or condition that the Will of the deceased in such Testament expressed, shall be observed and performed, and for such purpose that bonds with two or more able and sufficient sureties, shall be taken of the respective person or persons to whom such Administration shall be committed in such penalties as to the Judge or Surrogate shall appear reasonable, respect being had to the value of the Estate of the said Testator which condition may be as follows,—“The condition of this obligation is such, that if the above bounden Administrator (or Administratrix as the case may be) of all and singular the goods, chattels and credits of deceased with the will of the said annexed and not administered by (as the case may be) do make or cause to be made a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which shall have come to the hands, possession or knowledge of the said or into the hands and possession of any other person for the said and the same so made do exhibit or cause to be exhibited (where such bond shall be taken by the Judge of the Court of Probate) into the Registry of the Court of Probate of this Province, or into the Office of the Surrogate of the District of at or before the expiration of six Calendar Months from the date of the above written obligation, and the same goods, chattels and credits, and all other goods, chattels and credits of the said deceased, at the time of (his or her) death which at any time after shall come into the hands and possession of the said or into the hands and possession of any other person or persons for the said do well and truly administer according to the directions and true intentions of the Testator or Testatrix (as the case may be) expressed in the Will to the Letters of administration granted to the said annexed as the law directs, and further when thereunto lawfully required, do make or cause to be made a true and just account of administration, then this obligation to be void and of none effect or else to remain in full force and virtue.” Which bonds, shall be of same force and effect and may be prosecuted upon the like occasions and for the purposes, and in the same manner as the bonds (taken?) upon the granting of administration of persons dying intestate, herein before set forth.

XIV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for all persons who may be aggrieved by any order, sentence, judgment or decree of any Surrogate Court within this Province, to appeal from the same or any part thereof, to the Judge of the Court of Probate, who shall have full power and authority, and hereby is authorized and required to examine, hear and finally determine all such appeals and all matters concerning the same, and to reverse, affirm or alter such order, sentence, judgement or decree, and to make such other order or decree therein, as Justice and Equity shall require, and thereupon to remit the same with his order judgment or decree in the premises, and all things concerning the same into the Court so appealed from. Provided always, that all such appeals from the said Surrogate Court, shall be made within fifteen days next after making or giving the order, sentence, judgment or decree so appealed from, and upon security being given to the satisfaction of the said Surrogate, for prosecuting such appeal, such order, sentence, judgment or decree, shall be suspended. Provided always, that