

or his, her, or their appointment being made known to him, her, or them respectively, cause such Will to be proved and recorded in the *Register's Office*, or present the Will and give in a written Declaration of his, her, or their refusal of the Executorship; every Executor so neglecting his or her Duty in that behalf (without just Excuse made and accepted for such Delay,) shall forfeit the Sum of *Five Pounds* every Month from and after the Expiration of the said *Thirty Days*, until he, she, or they shall have caused Probate of such Will to be made, or have presented the same in the manner above appointed: Each and every such Forfeiture to be had and recovered by Action of Debt in the *Supreme Court of Judicature* of this Island, at the Suit of any of the Heirs or Creditors who shall or may prove, to the satisfaction of said Court, that any Injury has accrued to him, her, or them respectively by the said delay, and to and for the proper Use of him, her, or them who shall inform and sue for the same. And upon any such refusal of the said Executor or Executors, the Judge shall order and commit Administration of the Estate of the deceased, with the Will annexed, unto the Widow, or next of Kin to the Deceased, and in case of their refusal, to one or more of the principal Creditors, as he shall or may think fit.

on Penalty of 5/
for every Month's
delay.

Mode of Recovery.

Application of
Forfeiture.

IX. *And be it further enacted*, That if any Person or Persons shall be found guilty of suppressing any Will and Testament, such Person or Persons shall be subject and liable to the same Penalty as is directed in and by this Act for Persons neglecting to prove any last Will and Testament.

Penalty of suppressing Wills.

X. *And be it further enacted*, That where any certain Legacy is or shall be bequeathed and given by any Person in his or her last Will and Testament, as also where any Residuary or uncertain Legacy is, or shall by the Account of any Executor, be reduced to a Certainty; in those Cases every such Legacy and Legacies may be sued for and recovered at Common Law; any Law, Custom, or Usage to the contrary notwithstanding.

Legacies ascertained, recoverable at Common Law.