

11 provides "that when all the debts, &c. are paid, the administrator shall proceed to make distribution as follows." Sub ch. 10, sec. 6, "when it shall appear by the first or other account of an executor or administrator, with the will annexed, that all the claims, &c. have been settled, it shall be his duty to deliver up the estate in his hands to those entitled." By sub ch. 14, sec. 12, "any executor or administrator shall be entitled to appoint a meeting of the creditors or of persons entitled to distributive shares, or legacies, or a residue, on some day by the court approved, and passage of claims, payment, or distribution may be there made under the court's direction and control."

The chapter and section relied on by the defendant's counsel are sub ch. 15, sec. 12, "that the Orphans Court shall have full power, authority and jurisdiction to examine, hear and decree upon all accounts, claims and demands existing between wards and their guardians, and between legatees or persons entitled to any distributable part of an intestate's estate, and executors and administrators, and may enforce obedience to, and execution of, their decrees in the same ample manner as the Court of Chancery may." Secs. 16 and 17 of this sub ch. 15, provide for plenary proceedings and appeal.

It appears to me that the sections referred to in sub chs. 10 and 11, clearly indicate the obligation of the executor or administrator to ascertain the individuals entitled to legacies, distributive shares and residues. The Orphans Court are not required to do so by any part of the act, and it would be a strange duty to require of them, or of any court. They act, as other courts, upon the evidence produced to them. He administers the estate *in pais*. If he doubts as to who are entitled to distribution, legacy or residue, or in what proportions, by sub ch. 14, sec. 12, "he may appoint a meeting of the claimants, and payment or distribution may be made under the court's direction and control." In most cases he would be safe in acting under that direction and control; but he must show that the meeting was duly appointed, notification of some kind given to the parties interested, and the case presented to, and acted upon by the court. Whether he would have been safe