

C H A P.  
XXXIX.

Person or Persons as he shall think fit to hear and determine the same; whose Sentence shall be final without other Appeal, Repeal or Review.

\* By the Act of 1726, *ch. 9, §. 2*, all Persons are allowed 30 Days to enter an Appeal from any Sentence in the Prerogative Court, and 30 Days more to prosecute the same before a Court of Delegates.

In case of Compliance, Appeal may be granted.

XXVIII. **Provided nevertheless**, That in case the Person or Persons against whom such Sentence shall pass, shall comply with the same, then it shall and may be lawful for the Governor, or such Court of Delegates to grant an Appeal therefrom.

Deputy-Commissionaries to be appointed in each County,

who may take Probate of any Will, and grant Letters Testamentary, &c.

But Disputes concerning the Right of Administration, &c. shall be decided by the Commissary-General.

Deputy-Commissionaries Fees, 150<sup>rs</sup> Tobacco,

except Pauper Estates, (for which see the Note below.)

XXIX. **And be it further Enacted**, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Commissary-General of this Province, or other Person or Persons that shall from Time to Time be appointed as Judge or Judges in Testamentary Causes for granting Administrations, shall, from Time to Time, and at all Times, during his or their continuance in such Office, constitute, ordain and appoint, some able and sufficient Person, of good Repute, and a Free-holder, in every respective County within this Province, to take the Probate of any Last Will and Testament of any Persons, either Nuncupative, or in Writing, even though the same be concerning Titles of Land; and likewise to grant Administration of the Goods and Chattels of Persons dying Intestate, in the respective County or Counties where each Person or Persons so appointed shall reside and inhabit; which said Person in each respective County of this Province, so appointed as aforesaid, shall and may take the Proof of any Will whatsoever as aforesaid, of any Person as aforesaid, within the County as aforesaid, and grant Letters Testamentary upon the same, and likewise grant Administration to any Person or Persons whatsoever, that Right has to the Administration of the Estate of any Person deceased, within the County where he dwelleth as aforesaid. But if any Contest or Dispute shall arise between any Persons, concerning the Right to Administrations or Executorship, the same shall be decided by the Commissary-General, or Judge in Testamentary Causes, and not by such Person appointed in each County as aforesaid; neither shall such Person grant Administration, or take the Probate of such Will, till such Time as such Dispute or Difference shall be decided and determined by the proper Judge thereof, and Certificate from such Judge of such Determination or Decision. And such Person so appointed as aforesaid, shall, and is hereby allowed, as a Fee for granting such Letters of Administrations as aforesaid, swearing the Administrators and Appraisers, or for the Probate of any Will, and swearing the Executor or Executrix, Appraisers, and Letters Testamentary, the Sum of One Hundred and Fifty Pounds of Tobacco, to be levied by Execution, after the same Manner, and under the same Penalties directed by the Act of Assembly of this Province, for *Limitation of Officers Fees*, against the Person or Persons requiring and having Letters of Administration, or Letters Testamentary as aforesaid; unless the Estate be so small as the Inventory of such Estate doth not amount unto \* Ten Pounds in Money, there shall be paid to such Person so appointed, for such Letters of Administration, or Letters Testamentary as aforesaid, the Sum of Fifty Pounds of Tobacco, to be levied as aforesaid, and no more; and then, and in every such Case, the Commissary-General shall have no Fees.

\* By 1763, *ch. 18, §. 107*, all Estates, whose Inventory doth not exceed 30 *l.* Current Money, shall be deemed Pauper Estates, and pay Fees as above: And by §. 127, of the same Act, no Deputy-Commissary shall charge above 50<sup>rs</sup> Tobacco for passing the first Account of any Pauper Estate, or demand any Fee for passing any additional Account thereof.

How the annual Value of real Estates of Orphans (otherwise than by Will) shall be estimated

XXX. **And be it Enacted**, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all Guardians of Orphans, that shall have any Real Estates in Lands, with the Orphan or Orphans to whom the same belong, committed to them, other than such whom the Testator in his Life Time, by his Last Will and Testament, hath otherwise ordered and disposed of, within One Month after taking upon him or her the Guardianship of such Orphan