

Commissary-General shall allow the Executors or Administrators the Salary of C. H. A. P. XXXIX.
 Ten per Cent, except as is herein after excepted.

XXIV. **And be it further Enacted**, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if the Residuary Legatees, of any Person or Persons dying within this Province; and making a Will; or the next of Kindred to any Person or Persons dying Intestate in this Province, and who ought to have the Residue of such deceased Person's Estate, do dwell in England, or other Parts of his Majesty's Dominions, out of this Province, so that the Executor or Administrator convert the Residue of all the Real and Personal Estate (after Debts and Legacies here paid), into Money, or other Effects, for the best Advantage of the Persons to whom due, and returns the same to such Residuary Legatees or Kindred as aforesaid, that then the Commissary-General shall allow to such Executor or Administrator, the usual Salary allowed by Merchants to their Factors, viz. Ten per Cent.

In what Case 10 per Cent, upon the whole Residue shall be allowed.

XXV. **And whereas** it sometimes happens, that Persons of great Dealing, dying in this Province, have their Books very imperfect, so that it cannot be exactly known what Debts are due upon such Books, unless the Executor or Administrator take the Pains to carry about such Books from one supposed Debtor to another, to state the Accounts; which many Times proves a considerable Toil to the Executor or Administrator, and requires a very great Deal of Trouble and Charge; and many Times there appear Discounts or Defeazances, or Receipts, to bar such Book Debts; or the Debtors, where the Accounts are old, are insolvent, or the like; and the Executors or Administrators, for such their great Pains and Diligence, have hitherto had no Allowance. Therefore, lest it should be a Discouragement to Executors and Administrators, that having no Salary therefor, they should be negligent, or too sparing of Pains to improve the Testators or others Estates; **Be it Enacted**, by the Authority, Advice and Consent aforesaid, That where the Executor or Administrator can fairly make appear to the Commissary-General, that he hath had such considerable Toil as aforesaid, and no Benefit hath arisen to him thereby, to recompence his said Toil; it may be lawful to and for the said Commissary-General, to allow such Executor or Administrator something in the whole for such Pains and desperate Debts, at the Discretion of such Commissary-General, not exceeding Five per Cent on any one Man's Estate.

In case of considerable Trouble in settling Accounts, &c. the Commissary-General may allow something in the whole, not exceeding 5 per Cent.

XXVI. **But** for such Part of the Deceased's Estate that shall remain (after all Debts and Charges paid and disbursed, and Account passed before the Commissary-General) to Residuary Legatees, or other Legatees, or next of Kindred, and delivered to them in Specie, without traversing the Estate, and converting it into Money or Tobacco for that Purpose, there shall be * no Salary allowed; any Usage, Custom, or former Act of Assembly to the contrary notwithstanding.

But no Allowance for any Part of the Residue paid in Specie.

* Except when payable to the Use of Free-Schools by the Act of 1719, ch. 14: In which case the Administrator shall be allowed by the Act of 1729, ch. 24, §. 17, Ten per Cent, if such Residue be paid in Money, and 5 per Cent, if paid in Specie.

XXVII. **Thirteenth.** And further, in regard by the Judge's or Commissary-General for Probate of Wills and granting Administrations; his Commission, there is a Saving to all Persons their Right of Appeal, from the Sentence of the said Judge, to the Chief Governor of this Province, for the Time being; **Be it Enacted**, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all and every Person and Persons appealing from the Sentence of the said Judge, shall, within * Fifteen Days at the furthest after such Sentence, enter his Appeal before the said Governor; and, within Fifteen Days more, petition the Governor of this Province for the Time being, to examine the Sentence of the said Judge, or appoint such other Person

Appeals from the Sentence of the Commissary-General to a Court of Delegates, whose Determination shall be final.