

Method to be
observed in
the paying of
debts.

he shall pay the costs of suit on such action out of his own property; but if he refused payment by reason of the debt not appearing due to him, or that the account was disallowed, and rejected by the commissary, in such case he shall not lose the costs, but the estate shall pay it; an entry thereof being made *at his request* in the minutes of the court where such judgment was rendered, "*that he, the executor or administrator had probable cause to contest this suit,*" an attested certificate under seal, of such entry being made, must be produced to the commissary, to entitle him to an allowance.

The rule that country debts are to be paid before foreign debts, is thus to be understood; country debts, whereof the executor or administrator had *notice*, ought to be paid before foreign debts of the same class; for instance, a foreign bond, or other voucher of the third class, is not to be paid, until all *country* bonds, and other debts of the same degree, or third class, be discharged; but a foreign bond or other voucher of the third class, must be paid before a country open account or other voucher of the fourth class, those being of an inferior degree; but of all debts of the same class, the country debts have the preference.

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