

How and of whom letters testamentary or of administration are to be obtained.

person or persons who shall be authorized by the orphans court of the said county to receive them, such of the said goods, chattels, personal estate and debts, as shall come to his or her possession, (except such as shall be allowed for by the said court,) then the above obligation is to be void, or is otherwise to remain in full force and virtue in law.'

SEC. 17. And every collector as aforesaid shall be required, on granting the said letters, to take the following oath, or affirmation, as the case may require: 'I ——— do swear, or affirm, as the case may be, that I will well and honestly discharge the office of collector of the goods, chattels, personal estate and debts, of ———, deceased, according to the tenor of the letters granted to me by the orphans court of ——— county, and agreeably to the directions of law, to the best of my knowledge; so help me God.'

SEC. 18. Every collector so appointed shall have power to collect the goods, chattels, personal estate and debts, according to the tenor of the said letters, and to secure the same at such reasonable and necessary expense as shall be allowed by the court; and the court may authorize him, immediately after appraisement, to sell such as shall be perishable, or not to be preserved, and to account for the same; and for the whole trouble incurred by a collector, the court may allow a commission on the amount of the property and debts actually collected, and afterwards delivered to an executor or administrator, as to the court shall seem just, not exceeding three per cent. or the court may allow a commission on the whole inventory not exceeding two per cent.

SEC. 19. Repealed by 1802, ch. 101, sec. 5.

SEC. 20. On the granting of letters testamentary or of administration, the power of any such collector, shall cease, and it shall be his duty to deliver, on demand, all the property and money of the deceased in his hands, except as before excepted to the person or persons obtaining such letters; and in case of the collector's evading such demand, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, either the court may proceed against him by attachment, and impose a fine not exceeding ten per cent. on the amount of property in his hands, unless in the case of the minority of the executor or executrix, then and in such case letters of administration, during the minority of such executor or executrix, shall be granted; the age of eighteen years to be considered as the age of majority of the purposes of this clause; or his bond may be sued by the executor or administrator.