

CHAP. 101. to the amount of assets in hand, and the debts due from the deceased, the court shall thereupon enter judgment against the defendant for the penalty of the bond, or damages laid in the plaintiff's declaration, and cost of suit; if the court shall so direct, which said debt or damages shall be released upon the payment of the sum ascertained to be paid by the verdict of the jury, and interest thereon from the time of rendering the said judgment, which said sum, so ascertained to be paid by the verdict of the jury, is to be levied of the goods and chattels of the deceased, or of the proper goods and chattels of the defendant, and residue of the debt or damages, so ascertained as aforesaid, is to be levied of the goods and chattels of the deceased which may hereafter come to the hands of the defendant to be administered, with interest as aforesaid, or of the proper goods and chattels of the defendant; and if such goods and chattels shall thereafter come to the hands of the defendant, as executor or administrator as aforesaid, or into the hands of any other person who may have authority to administer the goods of the deceased, the plaintiff may issue on the said judgment a writ *scire facias*, suggesting the coming of assets to the hands of the executor or administrator, liable and subject to the payment of the residue of the said debt or demand, with interest as aforesaid so due, upon which, if the defendant contests the same, there shall be a trial by jury as aforesaid; *Provided nevertheless*, that in all cases where the amount of the claim of the plaintiff has been ascertained, by confession or otherwise, in any case now depending in any court, and the same has been referred to an auditor to ascertain the sum for which judgment shall be entered agreeable to the provisions of the act to which this is a supplement, that the auditor, previous to his marshalling the assets, shall cause notice to be given to the executor or administrator of the time and place of his proceeding to marshal the assets as aforesaid, and should it appear to the auditor that there has been no full or final account passed by the orphans court, he shall nevertheless proceed to marshal the assets, and ascertain as aforesaid, from the papers which may be produced to him, unless it shall be made appear to him, by a certificate from the orphans court, that there has been good cause why such full or final account has not been passed by such executor or administrator.

Provide.

Crops growing on land of deceased to be considered as assets.

2. AND BE IT ENACTED, That the crop growing on the land of any deceased person at the time of his or her death, *except where the land is devised*, (a) shall be considered, and is hereby declared, to be assets in the hands of an executor or administrator, and shall be included in the inventory to be taken and returned according to the original act.

(a) The exception done away by 1807, ch. 136.

Persons conceiving themselves aggrieved may appeal to county court.

3. AND BE IT ENACTED, That any person who may conceive him or herself aggrieved by a judgment, decree, decision or order, of the orphans court, may appeal to the county court of the county where such judgment, decision or order, may be made, and that on such appeal the county court shall have the same power, jurisdiction and authority, that the general court or chancery court would have had on an appeal to either of those courts under the original act; *Provided nevertheless*, that nothing herein contained shall be construed to affect the right of appeal from the orphans court to the court of

Provide.