be had, should require bond with surety for its safety. And if any will should not be drawn in question within ten years after it had been recorded, it should be deemed altogether valid and conclusive as well in regard to the real as to the personal estate of which it had made any disposition. (*o*)

It has been urged that there is nothing to be found in all our extensive and detailed legislative enactments, in relation to the administration of the estates of deceased persons, which authorizes or requires such papers as are now called for to be deposited with the Register of Wills; or their being recorded by him, much less the receiving of any copies of them, which he might give as evidence in any way whatever.

In England neither an executor nor an administrator can be cited by the Ecclesiastical Court, *ex officio*, to account; nor can a creditor who calls an executor or administrator to account before that tribunal be allowed to controvert the account and put him to the proof of its statements. But a legatee, or next of kin, may there call an executor or administrator to account, and controvert every item of the account rendered. And therefore when an account has been so passed upon, it becomes final and conclusive between the parties to it, by the judgment of a competent and proper tribunal. (*p*)

Here executors and administrators are required to account within a limited time; and, if they fail to do so voluntarily, they may be cited before the Orphans Court and compelled to render an account. The adjusting of such accounts by the Orphans Court appears to be, in most respects, a part of its merely voluntary, or *ex parte* jurisdiction; for it disposes of the whole matter without opposition; and it has not been clothed with the power to entertain jurisdiction of a suit instituted for an account against an executor or administrator, at the instance of any one but a legatee, or next

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(*o*) It has been since declared, by an act passed on the 14th of March, 1832, that every will of which probat shall be taken by any Orphans Court shall be retained in the office of the register, and not delivered out to any person; and every issue of *devisavit vel non* from a Court of Chancery shall be tried in the county of the office, at which trial the said will may be adduced in evidence under the care of the register, or one by him deputed, under a *subpœna duces tecum*, issued on a special order of the court holding such trial; and in like manner such will may be produced in evidence on the trial in any court of this state, of any issue involving the said will, and requiring its production in the opinion of said court; but nothing herein contained shall authorize the keeping said will out of the care and custody of the register.—1831, ch. 315, s. 16.

(*p*) Toller Execut. 492, 495; Canterbury *v.* Wills, 1 Salk. 315; Greerside *v.* Benson, 3 Atk. 253; Anderson *v.* Fox, 2 Hen. & Mun. 259.