

C H A P. CI. 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.

Grp consider- ed as assets, &c. II. 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, 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.

Persons ag- grievd may ap- peal, &c. III. 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 chancery or general court, as allowed by the act to which this is a supplement.

Registers may pass accounts, &c. IV. AND BE IT ENACTED, That the registers of wills in their respective counties, in the recess of the orphans court, shall and they are hereby authorised and empowered to pass any account against the estate of any deceased person where the amount of such account or claim doth not exceed the sum of fifty dollars.

Collector may sue, &c. V. AND BE IT ENACTED, That in all cases where letters have issued, or hereafter may issue, to any person to collect and preserve the estate of a deceased person, it shall and may be lawful for such collector, after complying with the requisites prescribed by the said original act, to bring suits for the recovery of debts, or other property of the deceased, in the same manner as an executor or administrator might or could do, and that the property recovered or received by the collector shall be delivered to the person obtaining the letters testamentary or of administration, and in case of neglect or refusal, such collector may be proceeded against in the same manner as prescribed by said act; provided, that in case such letters shall be revoked, pending any such action, either by the express revocation of the court who issued the same, or by the granting of letters testamentary or of administration on the same estate, there shall be the same proceedings, and the executor or administrator, as the case may be, shall have the same authority and control over any such action, as in cases where the letters testamentary or of administration of any plaintiff are or shall be revoked.

If letters are revoked, &c. there shall be the same proceedings, &c. VI. AND BE IT ENACTED, That if any letters testamentary or of administration shall be revoked by the orphans court, and new letters granted, pending any action at law or in equity against any person appointed an executor or administrator by such letters so revoked, there shall be the same proceedings in the action upon the suggestion of such revocation of the letters as is directed by the act of seventeen hundred and eighty-five, chapter eighty, in cases where the defendant shall have died pending such action, and in case there had been a judgment rendered previous to the revocation of the letters, a *scire facias* shall issue upon such judgment against the proper executor or administrator, suggesting the revocation of the letters of the former executor or administrator, and there shall be the same proceedings as in ordinary cases against executors and administrators, but if the letters testamentary or of administration of the plaintiff be revoked pending such action, or after judgment as aforesaid, there shall be the same proceedings as is provided by the fourth section of the fifth chapter of the act to which this is a supplement.

On judgment, &c. scire facias may issue, &c. VII. AND BE IT ENACTED, That in case a judgment shall be obtained against any executor or administrator, made a defendant as aforesaid, and it shall not be found by the jury that such executor or administrator has assets sufficient to discharge the same, the plaintiff in such judgment may also issue a *scire facias* on such judgment against the executor or administrator whose letters have been revoked as aforesaid, suggesting that such executor or administrator, as the case may be, did receive assets of the deceased liable to such judgment, more than was paid over or delivered by such executor or administrator to the person or persons obtaining the said letters testamentary or of administration, and in case the same shall be controverted, it shall be ascertained and determined by a jury, in the same manner as in cases of *scire facias*, suggesting assets against the second executor or administrator, and in case of a verdict and judgment being given against such former executor or administrator, execution may issue thereon in the same manner as against other executors or administrators,