

CHAP. 316. turn as far as practicable, of the situation and condition, rights, credits and effects of the estates, they severally have in charge as executors and administrators, and in the case of guardians, the situation and condition, rights, credits and effects of the estate and property of their ward or wards, and in the case of masters, the age and time of service of their apprentices, and the conditions and obligations mutually entered into by, binding upon said several masters and apprentices.

Returns and accounts to be accompanied by affidavit.

SEC. 3. And be it enacted, That the said returns and accounts, except in the case of masters shall be accompanied by the affidavit of the person or persons making the same, endorsed thereon that such account and return is a full and complete account and return as far as is practicable to make the same, of the situation and condition of the estates or property they severally have in charge, as executors, administrators or guardians, and in the case of masters, that said return is just and true; which affidavit may be taken before the register of wills, any judge of the Orphans' court or justice of the peace of said county, or before said commissioner.

Duty of commissioner upon filing of account to give notice to persons interested.

SEC. 4. And be it enacted, That it shall be the duty of said commissioner upon the filing of any such return or account with him, to give or cause to be given, ten days notice in writing to all persons interested therein where such persons are known to him, and reside within the county, by advertising in one or more of the county papers, requiring them to appear before him in person or by attorney, and show cause, if any they have, why the said account and return should not be established and binding upon all the parties interested.

Upon appearance of parties, commissioner to examine and receive testimony.

SEC. 5. And be it enacted, That after notice shall have been given as aforesaid, by the said commissioner, and upon the appearance of the said parties before him in person or by attorney, the said commissioner shall proceed to examine the said returns and accounts, and to hear and receive such testimony as shall be laid before him touching the same, and shall thereupon and therefrom, ascertain as far as practicable the correctness of such accounts and returns, and in case the parties interested, upon notice as aforesaid, shall refuse or fail to appear before said commissioner, the said commissioner shall in their absence proceed to examine said returns and accounts, and hear and take such testimony as may be laid before him, and ascertain as far as practicable, the correctness of such returns and accounts in the same manner as if all parties interested had appeared in conformity with the notice; *Provided*, that in all cases where infants are interested, the commissioner shall ap-

Proviso.