

authorised, on the application of the administrator, *de bonis non*, CHAP. 174. to pass an order directing the executor or executors, administrator or administrators, as the case may be, of the deceased executor or administrator, on or before a certain day in the said order to be named, to deliver over to the administrator *de bonis non* all the bonds, notes, accounts, and evidence of debt, which the deceased executor or administrator may have taken, received, or had as executor or administrator, at the time of his death, and also to pay over to the said administrator *de bonis non* all the money in the hands of such deceased executor or administrator as such, at the time of his death, and upon proof made to the said court of the service of such order, and upon the neglect or refusal of the executor or executors, administrator or administrators, to comply therewith by the time specified in the said order, the orphans court may pass an order directing the testamentary or administration bond of such deceased executor or administrator, or of the executor or executors, administrator or administrators, so refusing as aforesaid, or both of them, as the case may require, to be put in suit, the said suit or suits to be entered for the use of such administrator *de bonis non*.

4. *And be it enacted*, That it shall be the duty of the executor or administrator of such deceased executor or administrator, to return upon oath, to the orphans court, on or before the day named in the order aforesaid, a list of the notes, bonds, accounts, and money aforesaid, as far as he can ascertain the same.

To return to orphans court a list of notes, &c

5. *And be it enacted*, That the bonds, notes or accounts, that may be delivered to him as aforesaid, when collected, and the money paid over to him as aforesaid, shall be assets in his hands to be accounted for by him as such.

Such bonds, &c to be assets and to be accounted for

6. *And be it enacted*, That if the executor or executors, administrator or administrators, of the deceased executor or administrator, shall return the list of notes, bonds, accounts and money, herein before directed, in the manner herein directed, such executor or executors, administrator or administrators, shall be allowed to retain out of the money, notes, bonds or accounts, such commission as the court in their discretion may think proper to allow, not exceeding ten per cent on the principal inventory, to be accounted for by such executor or executors, administrator or administrators, in the settlement of the estates of their respective testator or intestate; and if the said executor or executors, administrator or administrators, shall neglect or refuse to return such list, no deduction shall be made on account of such commission from the damages to be recovered as aforesaid by the administrator *de bonis non*; and the executor or executors, administrator or administrators, so neglecting or refusing, shall be bound nevertheless to account for the commission so lost by his, her or their default, in the settlement of the estate of his, her, or their testator or intestate, as the case may be, and his, her, or their bond, shall be liable to be sued therefor.

Upon return of notes, &c to retain commission out of the same, &c

7. *And be it enacted*, That every executor and administrator heretofore appointed, may in his, her, or their discretion, within one year after the passage of this act, and every executor and administrator hereafter appointed may, within one year after the date of his, her, or their letters, return to the orphans court a list

Executor, &c may within one year return a list of the debts due, &c