

are insolvent or the like and the Executors or Administrators for such their great pains and diligence have hitherto had no allowance.

Therefore least it should be a discouragement to Executors and Administrators that having no salary therefore they should neglect for sparing of pains to improve the Estates of others Estates.

Be it Enacted by the Authority Advice & Consent aforesaid, that where the Executor or Administrator can fairly make it appear to the Commissary General that he hath had such considerable Toyle as aforesaid and no benefit hath arisen to him thereby to Recompence his said Toyle, it may be Lawful to and for the Commissary General to allow such Executor or Administrator something in the whole for such pains and despatched debts at the discretion of such Commissary General not exceeding five pounds Sterling per Cent' on any one Mans Estate.

But for such part of the deceaseds Estate that shall remain (after all debts & charges paid and disbursed and Account past before the Commissary General) to Residuary legatees or other legatees or next kindred & deliver'd to them in specie without traversing the Estate & converting it into Mony or tobacco for that purpose there shall be no Sallery allowed any usage custom or former Act of Assembly to the contrary notwithstanding.

13. And further in Regard by the Judges or Commissary General for proving of Wills and granting Administrators Commission there is a saving to all persons their right of Appeal from the Sentence of the said Judge to the Chief Governour of this Province for the time being.

Be it Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid, that all & every person & persons appealing from the sentence of the said Judge shall within fifteen days or the furthest after such sentence enter his Appeal before the said Governour & within fifteen days more petition the Governour of this Province for the time being to examine the sentence of the said Judge or appoint such other person or persons as he shall think fit to hear & determine the same whose sentence shall be final without other appeal repeal or review.

Be it Enacted by the Authority aforesaid by & with the Advice & Consent aforesaid, that the Commissary General of this Province or other person that shall from time to time be appointed as Judge or Judges in Testamentary Causes for granting Administrations shall from time to time & at all times during his or their continuance in such Office constitute or cause to be appointed some able & sufficient person of good repute and a Freeholder in every respective County within this Province to take the Probat of any last Will & Testament of any persons either nuncupative or in writing even though the same be concerning Titles of Land, and likewise the granting of any administration of the goods & chattels of persons dying intestate in the respective County or Counties where each person or persons so appointed shall reside & inhabit, which said person in each respective County of this Province so appointed as aforesaid shall and may take the proof of any Will whatsoever as aforesaid of any person as aforesaid within the County as aforesaid and grant Letters Testamentary upon the same and likewise grant administration to any person or persons whatsoever that right hath to the administration of any person deceased within the County where he dwelleth as aforesaid, but if any contest or dispute shall arise between any persons concerning the right to administration or Executorship the same shall be decided by the Commissary General or Judge in Testamentary Causes and not by such person appointed in each County as aforesaid neither shall such person grant Administration or take the Probat of such Will till such time as such dispute or difference shall be decided and determined by the proper Judge thereof & Certificate from such Judge of the same, and such person so appointed as aforesaid shall & is hereby allowed as a Fee for granting such Letters of Administration as aforesaid and swearing the Administrators and Appraisors as for the Probat of any Will & swearing the Executor or Executrix and Letters Testamentary the Sum of one hundred & fifty pounds of Tobacco to be paid by such person or persons requiring Administration or Letters Testamentary as aforesaid unless the Estate be so small as the Inventory of such Estate doth not amount unto ten pounds Sterling there shall be paid to such person so appointed for such Letters of Administration or Letters Testamentary as aforesaid the Sum of fifty pounds of Tobacco and no more, and then and in every such case the Commissary General shall have no Fees.

And be it Enacted by the Authority aforesaid by and with the Advice & Consent aforesaid, that all Guardians of Orphans that shall have any real Estates in Lands which the Orphan or Orphans to whom the same belong committed to them other than such whom the Testator in his life time by his last will & testament hath otherwise order'd & disposed of within one Month after taking upon him or her the guardianship of such Orphan or Orphans shall with one Commissioner of the said County where the Land