

# I N D E X.

## DEPUTY-COMMISSARY.

Wills, and grant Letters Testamentary, and of Administration, to any Person having Right to the Administration of the Estate of any Person deceased, in the County. 1715, *ch. 39, §. 29.*

2. But if Disputes arise concerning such Right, he shall not grant Administration, or take the Probat of such Will before a Decision of the Dispute, and Certificate thereof, by the Commissary-General. *Ibid.*

3. The Deputy-Commissary shall be allowed, for granting Letters of Administration, and swearing the Administrators and Appraisers; or for the Probat of a Will, swearing the Executors, &c. and Letters Testamentary, 150<sup>lb</sup> Tobacco, leviable by Execution. *Ibid.*

4. But where the Inventory of the Estate doth not amount to 10*l.* in Money, he shall have no more than 50<sup>lb</sup> Tobacco; and, in such Case, the Commissary-General shall have no Fees. *Ibid.* (*See below, Art. 9, and 12.*)

5. The Deputy-Commissary is empowered to pass all Accounts relating to the Estates of deceased Persons, wherein they have granted Letters of Administration or Letters Testamentary, not exceeding 50*l.* in Money: (provided there be no Controversy thereon) And shall transmit such Accounts, within Two Months, to the Commissary-General's Office, on Penalty of 2000<sup>lb</sup> Tobacco; One Half to the Support of Government, the other Half to the Party rendering such Account: And shall have 50<sup>lb</sup> Tobacco Fee for passing such Account. *Ibid.* §. 34. (*See below, Art. 8.*)

6. But if any Objection be made thereto by any Person interested in the Estate, then shall the Deputy-Commissary mark the disputed Articles, and transmit the Account, &c. to the Commissary-General, to be by him determined on hearing the Parties. *Ibid.*

7. Every Deputy-Commissary shall give Bond in the County Court, with sufficient Sureties to be approved by the Court, payable to his Lordship, in the Penalty of 200*l.* Sterling, for the due Execution of his Office. Which Bond shall be lodged in the Prerogative Office, and liable to be sued as other Officers Bonds are. 1722, *ch. 10, §. 5.*

8. Deputy-Commissaries are empowered to pass any Accounts of the Estates of deceased Persons, without special Commission from the Commissary-General, where the Amount of the Inventory does not exceed 150*l.* Currency. 1763, *ch. 18, §. 106.*

9. All Estates, not-exceeding 30*l.* Current Money, shall be deemed Pauper Estates, and in such Case no larger Fees shall be taken by any Deputy-Commissary than allowed in *Art. 4*, nor any Fees to the Commissary-General. *Ibid.* §. 107.

10. No Deputy-Commissary shall exact or receive any Fee or Gratuity for giving his Advice in any Matter relative to his Office, or for procuring a Commission from the Commissary-General to pass any Account before him. *Ibid.* §. 125.

11. No Deputy-Commissary shall exact or receive any other Fees for drawing and stating Accounts than 1<sup>1</sup>/<sub>2</sub><sup>lb</sup> Tobacco for each Voucher produced and allowed in such Accounts. *Ibid.* §. 126.

12. No Deputy-Commissary shall charge more than 50<sup>lb</sup> Tobacco for passing the first Account of any Pauper Estate, or demand, &c. any Fees for passing any additional Account thereof. *Ibid.* §. 127.

DEPUTY INSPECTORS. See *Inspectors, 15, 16.*

DEPUTY SHERIFFS. See *Attorneys, 1. Sheriffs, per Tot.*

DEPUTY SURVEYORS. See *Surveyors, 2.*

DETINUE. See *Limitation of Actions, 1. Special Bail, 10.*

DIET. See *Guardians, 6. Orphans, 3.*

DISCONTINUANCE. See *Continuance of Action, 2.*

## DISCOUNT.

1. Sheriffs shall discount their own Debts (which shall be understood to be such Debts as are assigned to

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the Inhabitants in the Public, County, or Parish Levy, or the 40 per Poll, or due from the High Sheriff by Bill, Bond, Note, or Account proved) out of any Levies due from their Creditors; which, if they refuse, they shall be liable to Action of Trespafs or False Imprisonment, as the Case shall require, not only for their own, but also for their Deputies Offences herein. 1715, *ch. 46, §. 11 and 12.*

2. Sheriffs shall discount Notes drawn on them, by Public Creditors or Officers having Tobaccos in their Hands, in favour of, or endorsed to any Persons indebted to them for Public or County Levies, Public Dues or Officers Fees, without any Deduction on Account of such Discount; on Penalty of 2000<sup>lb</sup> Tobacco: One Half to the County School, the other to the Person suing for the same. 1724, *ch. 21, §. 4.*

3. But no Sheriff shall be obliged to break an entire Hoghead to discount a Parcel, except where such Parcel shall be immediately due from the Sheriff to the Debtor. *Ibid.* §. 5. See *Levies, 16.*

## DISCOUNT IN BAR.

1. In Suit upon Assumption, or Bill or Bond under Hand and Seal, if the Debtor plead an Account of his own against the Creditor, arising since the passing of the Bill or Bond, or after such Assumption, or give an Account, proved according to this Act, and filed in Court, in Evidence upon the General Issue; the Court, on good Proof of such Account, may cause the same (though of an inferior Nature) to be Discounted, and give Judgment for the Balance only, with Costs of Suit. 1729, *ch. 20, §. 5.*

2. But if such Balance do not exceed 400<sup>lb</sup> Tobacco, or 33*s.* 4*d.* in the County Court; or 1500<sup>lb</sup> Tobacco, or 6*l.* 5*s.* in the Provincial Court, the Plaintiff shall be Non-suited. *Ibid.*

3. This Act shall not give the Provincial Court any other Jurisdiction than what is agreeable to the Act of 1714, *ch. 4. Ibid.* §. 6.

## DISSENTERS.

Protestant Dissenters and Quakers, shall have the full Benefit of all Exemptions, Ease and Indulgencies, granted and allowed by the Stat. of 1*W.* and *M.* for exempting their Majesty's Protestant Subjects, dissenting from the Church of England, from the Penalties of certain Laws: And the Stat. of 7 and 8 *W.* III. That the solemn Affirmation or Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form. Only the Things required by those Acts to be done, by or at the General or Quarter-Sessions, or other Courts, or by or to any single Justice of the Peace, shall be done by, to, or at the several County Courts of this Province, or before, to or by the Justices of the same. And all Meeting-Houses, or Places of Assembly for religious Worship, shall be certified unto, and registered at the County Court, instead of the Bishop of the Diocese, &c. 1702, *ch. 1, §. 21.*

See *Marriage, 11. Vestry, 9, 21.*

DISSOLUTE LIVERS. See *Hog-Stealing, 3.*

DISTRESS. See *Constables, 3. Levies, 18.*

DISTRIBUTION. See *Intestates Estates.*

DOWER. See *Conveyances, 10, 13. Widows, 5, 6.*

DRAW-BACK. See *Liquors Imported, 6.*

DRUNKENNESS. See *Cursing, &c. Sabbath-Breaking, 2.*

DUTIES of Import and Export. An Allowance of 15 per Cent, to Persons paying the same in Gold or Silver, imported for that Purpose. See *Gold and Silver, 1, 2.*

## E.

EDUCATION. See *Guardians, 6, 19. Orphans, 3.*

ELECTIONS. See *Delegates,*

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