

Debts, or the Debtors, where the Accounts are old, 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 be negligent, or too sparing of Pains to Improve the Testator's or others Estates,

Be it Enacted by the Authority, Advice and Consent aforesaid, That where the Executor or Administrator can fairly make appear to the Commissary General, That he hath had such considerable Toil, as aforesaid, and no Benefit has arisen to him thereby, to recompence his said Toil, it may be lawful to and for the said Commissary General to allow such Executor or Administrator something in the whole for such Pains and desperate Debts, at the discretion of such Commissary General, not exceeding Five per Cent. on any one Man's Estate.

May be allowed
5 per Cent. more:

But for such Part of the Deceaseds Estate that shall remain (after all Debts and Charges paid disbursed, and Account paid before the Commissary General) to Residuary Legatees, or other Legatees, or next of Kindred, and Delivered to them in Specie, without Traversing the Estate, and Converting it Into Money or Tobacco, for that purpose, there shall be no Salary allowed, any Usage, Custom or former Act of Assembly to the contrary notwithstanding.

No Salary for pay-
ment in Specie:

Thirteenth, And further, in Regard by the Judges or Commissary General for Probate of Wills and Granting Administrations, his 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,

Appeals:

Be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That all and every Person and Persons appealing from the Sentence of the said Judge, shall within fifteen Days, at the furthest after such Sentence, enter his Appeal before the said Governour, and 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 and determine the same, whose Sentence shall be final, without other Appeal or Review.

How to be prosecuted to the Delegates.

Provided nevertheless, That in Case the Person or Persons against whom such Sentence shall pass, shall comply with the same, then it shall and may be lawful for the Governour, or such Court of Delegates to grant an Appeal therefrom.

and from them:

And be it further Enacted by the Authority aforesaid, by and with the advice and Consent aforesaid, That the Commissary General of this Province, or other Person or Persons, that shall, from time to time, be appointed as Judge or Judges in Testamentary Causes, for granting Administrations, shall, from time to time, and at all times, during his or their Continuance in such Office, constitute, ordain and appoint some able and sufficient Person of good Repute, and a Free-holder in every respective County within this Province, to take the Probate of any last Will and Testament of any Persons, either nuncupative or in Writing, even though the same be concerning Titles of Land, and likewise to grant Administration of the Goods and Chattles of Persons dying intestate, in the respective County or Counties where each Person or Persons, so appointed, shall reside and 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

Deputy Commissaries to be appointed.

Their Power: