Effects, for the beſt Advantage of the Perſons to whom due, and return the ſame to ſuch reſiduary Legatees or Kindred, as aforeſaid, that then the Commiſſary General ſhall allow to ſuch Executor or Adminiſtrator the uſual Salary allowed by Merchants to their Factors, (viz.) Ten per Cent. And whereas it ſometimes happens, that Perſons of great Dealing, dying in this Province, have their Books very imperfect, ſo that it cannot be exactly known what Debts are due upon ſuch Books, unleſs the Executor or Adminiſtrator takes the Pains to carry about ſuch Books from one ſuppoſed Creditor to another, to ſtate the Accounts, which many times proves a conſiderable Toil to the Executor and Adminiſtrator, and requires a very great deal of Trouble and Charge, and many times there appear Diſcounts or Defeazances, or Receipts, to debar ſuch Book-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, leſt 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 Teſtators, 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 hath 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 Deſcretion of ſuch Commiſſary General, not exceeding Five per Cent. on any One Man's Eſtate ; but for ſuch Part of the Deceaſed's Eſtate, that ſhall remain (after all Debts and Charges paid and disburſed, and Account paſt 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.

Thirteenthly, 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 Governor of this Province for the time being ; 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 fartheſt after ſuch Sentence, enter his Appeal before the Governor, and within Fifteen Days more petition the Governor 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, Repeal, or Review : Provided nevertheleſs, 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 Governor, or ſuch Court of Delegates, to grant an Appeal therefrom.

A N D 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 Freeholder, in every reſpective County within this Province, to take the Probate of any Laſt Will and Teſtament of any Perſon, either Nuncupative or in Writing, even though the ſame be concerning Titles of Land ; and likewiſe to grant Adminiſtration of the Goods and Chattels of Perſons dying

Inteſtate