

residents; and where the residue of the real and personal estates is turned into money, &c. for their advantage, and transmitted to them by the executors or administrators.—*Ibid.* § 24.

10. In case of considerable trouble in settling accounts, riding about with books, &c. the commissary general may allow something in the whole for the executor's or administrator's extraordinary toil and charge, not exceeding 5 per cent.—*Ibid.* § 25.

11. But no allowance shall be made for any part of the residue (*see above*, Art. 9,) which is paid in specie (without converting it into money or tobacco for that purpose) to the residuary legatees, or next of kindred.—*Ibid.* § 26.

12. The commissary general shall take security of all executors and administrators, to the use of orphans, in any will mentioned, for the true performance of such will according to law, and the intent of the testator: and transmit an account of the legacies left to any infant orphans to the county court, to be by the justices secured in the same manner as the balances of intestates' estates, which courts shall enquire, by a jury, of these orphans, as well as of the orphans of intestates; and if they find the security like to be insolvent, or the orphans ill used, shall not act as in the case of intestates' estates: but nothing shall be done herein which shall seem repugnant to the will of the testator.—*Ibid.* § 39.

13. On appraising the estate of the deceased, the executor or administrator shall give notice to two of the next of kin and two of the creditors (if any be) of the deceased, who shall be present at the same, with the sworn appraisers, and shall certify to the commissary, that they were present and do approve of the appraisement; and without such certificate, or proof of notice given, and their refusal or neglect to appear, the commissary shall not receive the inventory.—*Ibid.* § 41.

14. Country debts shall have the preference in all payments made by executors or administrators (respect being had to the quality of the debts) except debts due to the crown: (*see below*, Art. 22) unless cognizance be proved of debts of a higher quality due to non-residents: In which case, if the executor or administrator shall, notwithstanding such cognizance, have paid debts of an inferior nature, without any recovery by law; or have neglected to plead such foreign debt, in stay of judgment, in suits for debts of an inferior nature, judgment shall pass against such executor or administrator (in defect of assets) *de Bonis Propriis*.—*Ibid.* § 42.

15. Any legatee or other, having right to any legacy or residue of any deceased person's estate, after twelve months from the date of the letters testamentary or of administration, may demand and sue for such legacy or residuary part as shall then appear to be due by such accounts as shall then be made up; and such legacies or residuary part as shall then be