

lected, and afterwards delivered to an executor or administrator, as to the court shall seem just, not exceeding three *per cent.* or the court may allow a commission on the whole inventory, not exceeding two *per cent.*

19. No collector as aforesaid shall have power to bring suit for debts, or to release the same, or to do any act further than is before mentioned.

20. On the granting of letters testamentary or of administration, the power of such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the deceased in his hands, except as before excepted, to the person or persons obtaining such letters; and in case of the collector's evading such demand, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, either the court may proceed against him by attachment, and impose a fine not exceeding ten *per cent.* on the amount of property in his hands, unless in the case of the minority of the executor or executrix, then and in such case letters of administration, during the minority of such executor or executrix, shall be granted; the age of eighteen years to be considered as the age of majority for the purposes of this clause; or his bond may be sued by the executor or administrator.

CHAP. 4. To whom letters testamentary may be granted.

1. If any person, named as an executor or executrix in a will, shall be, at the time when administration ought to be granted, under the age of eighteen years, or of unsound mind, incapable according to law of making a contract, or convicted of any crime, rendering him or her infamous, according to law, or if any person named as an executor, shall not be a citizen of the United States, letters testamentary, or of administration, (as the case may require,) may be granted, in the same manner as if such person had not been named in the will.

2. No question respecting infamy, citizenship, or competent age, shall be determined by the orphans court, without summoning the persons so named in a will, and alleged to be infamous, alien, or under age, provided he or she be within the state, or without giving such notice, by advertisement, or otherwise, as the court shall direct, (in case he or she be out of the state,) and hearing, in case the party shall attend agreeable to summons or notice.

3. A transcript of the record of conviction shall be evidence in the orphans court to prove the party infamous.

4. When any person, so named as an executor in a will, shall be alleged to be an alien, or not a citizen of the United States, his citizenship shall not be established otherwise than by a certificate under the seal of the office, or court, where the party became naturalized, or by competent testimony that the said person is a natural born citizen of this state, or of some of the United States.

5. Any inquisition of a jury, on a writ issued from chancery, finding the party an idiot, lunatic, or *non compos mentis*, and confirmed by the chancellor, shall be conclusive evidence of the unsound mind of the party; and if such an inquisition shall not have been had, at the time when administration ought to be granted, a writ *de lunaticis inquirendo* may issue by the chancery or orphans court, on the petition to either of the said courts of any person interested; and the finding of the jury, that the party is an idiot, lunatic or madman, or *non compos mentis*, thereon returned and confirmed by the chancellor or the orphans court, as the case may be, shall be conclusive against the party; and a certificate from the register in chancery, under seal, stating the substance of the proceedings, shall be evidence in the orphans court, who may thereon proceed as if the party had not been named in the will.

6. When a person named in a will as an executor or executrix shall be alleged to be under the age of eighteen years, it shall be incumbent on the person making the allegation to establish the same by such proof as is usually required in such cases.

7. And in case letters testamentary shall be granted to an executor above eighteen, and under twenty one years of age, the bond by him executed for faithful performance shall be binding as if he were of full age.

8. No married women shall be entitled to letters testamentary, but the same, or letters of administration