

ORPHANS COURTS.

Power of the orphans courts respecting claims by the estates of deceased persons against executors or administrators. *Ibid.* § 20, 21.

No executor or administrator shall discharge any claim against the deceased otherwise than at his own risk, unless the same be first passed by the orphans court granting the administration, or unless the said claim be proved according to the rules therein after laid down. *Ibid.* § 22.

Every executor or administrator shall be obliged to discharge any claim, (or a proportionable part,) if passed by the orphans court granting his letters, unless he shall appeal from the decision of the court in the manner thereafter directed. *Ibid.* ch. 9, § 13.

No executor or administrator shall be allowed in his account for any claim by him discharged, unless he produce the claim passed by the orphans court, or proofs or vouchers as aforesaid. *Ibid.* § 15.

Power of the orphans courts as to the allowance for funeral expences. *Ibid.* ch. 10, § 2.

As to allowance for things lost or which have perished without the party's fault. *Ibid.*

As to commission. *Ibid.*

As to costs and extraordinary expences. *Ibid.*

As to debts sperate and desperate. *Ibid.* § 3, 4, 5.

The orphans courts empowered, in the cases therein mentioned, to direct executors or administrators to pay a part of a distributive share, before the estate is settled. *Ibid.* § 7.

Empowered in like manner to direct the payment of a specific legacy. *Ibid.* § 8.

Power of the orphans courts to revoke letters testamentary or of administration on failure to return an account. *Ibid.* § 9.

The orphans courts, or the chancery court, empowered to decree or give directions to executors, or administrators with a copy of the will annexed, to retain the personal estate, or a part thereof, after all claims are discharged, where by the will money or some other thing is directed to be paid at a distant period, or upon a contingency. *Ibid.* § 11.

Where the surplus of an intestate's estate, after the payment of debts, shall consist of specific property, or articles mentioned in the inventory, the administrator, if he cannot satisfy the parties, may apply to the orphans court to make the distribution. *Ibid.* ch. 11, § 16.

The court may appoint a day for making distribution, and summon the parties to appear, and may at the appointed time proceed to distribute. *Ibid.*

On failure of a majority to appear, or on a distribution being objected to, or on a sale being deemed more advantageous, the court may decree a sale. *Ibid.*

Power of the orphans court to appoint guardians to orphans, and at what time, &c. *Ibid.* ch. 12, § 1.

To call before them orphans for the said purpose. *Ibid.* § 2.

To make guardians under the statute, and natural guardians, give bond. *Ibid.* § 3.

Guardians appointed by the court to give bond in such penalty and with such sureties as the court shall approve. *Ibid.* § 4.

The orphans court to order the estates to be delivered to such guardians, and to enforce such order by attachment and fine. *Ibid.* § 5.

To call on any guardian for new security, and on failure to appoint a new guardian. *Ibid.*

To appoint two persons to view every estate committed to a guardian. *Ibid.* § 6.

Their valuation to be returned to the court. *Ibid.*

The orphans courts may, on the application of a guardian, allow him to cut down and sell wood, and account for the same, if advantageous or necessary. *Ibid.* § 7.

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Guardians shall cultivate their ward's estates with the slaves, &c. on hand, or to be purchased with the approbation of the orphans court, or with such approbation may undertake the estate on their own accounts, and be answerable for the annual value, to be ascertained every third year, under the direction of the court. *Ibid.* § 8.

Every guardian shall account for all profit and increase of the estate, or annual value as aforesaid, and shall not be answerable for any loss or decrease sustained without his fault, to be allowed by the orphans court. *Ibid.* § 9.

Directions for the settlement of guardians accounts, allowing for maintenance, directing a sale, &c. *Ibid.* § 10, 11, 12, 13.

Guardians failing liable to attachment and fine by the orphans courts. *Ibid.* § 14.

Guardians to exhibit a final account to the orphans court on the ward's becoming entitled, and to deliver up the property, or be liable to suit, and to attachment and fine as aforesaid. *Ibid.* § 15.

Form of a widow's renunciation of the devises, &c. in a will, to be made to the orphans court, and the time therefor prescribed. *Ibid.* ch. 13, § 2.

If any person entitled to administration shall deliver or transmit to the orphans court a declaration in writing that he is willing to decline the trust, the court shall proceed as if such person were not entitled. *Ibid.* ch. 14, § 1.

Directions respecting letters *de bonis non* on the death of an executor or administrator. *Ibid.* § 2.

Directions respecting the allowance of commission where any thing is bequeathed to an executor by way of compensation. *Ibid.* § 5.

Cases in which an executor or administrator may be excused from exhibiting an inventory, on giving bond to be approved by the orphans court as therein directed. *Ibid.* § 6, 7.

Power of the orphans courts on application by securities of executors or administrators who are likely to suffer. *Ibid.* § 11.

Any executor or administrator shall be entitled to appoint a meeting of creditors, or of persons entitled to distributive shares or legacies, or a residue, on some day by the court approved, and passage of claims, payment or distribution, may be then made, under the court's direction and control. *Ibid.* § 12.

The act of assembly for instituting orphans courts, (February, 1777, ch. 8,) and every supplement or act in addition thereto, or so much thereof as is repugnant to the provisions of this act, shall be and are hereby repealed from the time when the operation of this act is to commence. 1798, No. 101, § 4.

OVERSEERS OF THE ROADS.

Excepted out of the description of officers to be appointed by the governor and council. Const. 48.

Exempted from attendance as jurors. 1715, ch. 37, § 4.

Power and duty of the overseers in certain counties. 1704, ch. 21.

See ROADS.

Overseers of the roads to be appointed by the levy courts in the same manner, &c. as before by the county courts. 1794, ch. 53, § 8.

To ascertain and return to the levy courts the value of trees cut down or used in repairing bridges, or forfeit the value of the trees. 1795, ch. 37, § 2, 3.

Empowered to remove trees, gravel, &c. lodging against the bridges on the roads. *Ibid.* § 5.

To accept in lieu of personal labour 3/9 per day, and account with the levy courts for such money. *Ibid.* § 6.