of

Purators & Administrators.

No. I.
An executor is a representative, at whose appointment the testator, before his death, may appoint the person who is to take his estate, and who is entitled to its residue, by virtue of the power conferred on him by the testator.


The appointment of personal property, in contemplation of death, not containing an appointment of an executor, is called a testament. Hen. 2. 2. 2.

It has been called a codicil, in the civil law. 2 Bl. 369. Plowd. 383. 387. 2 Bee. 379. 2 Bee. 383. 2. 4.

So, too, may be a will, without a testament. 2 Bee. 383. 2 Bee. 383.

A will must be in writing, and must be witnessed by two or three witnesses. 2 Bee. 383.

An executor is appointed in the discretion of the testator, but subject to his will. 2 Bee. 383. 2 Bee. 383. 2 Bee. 383.

An executor is appointed by the will. 2 Bee. 383. 2 Bee. 383. 2 Bee. 383.
At common law, a testamentary disposition of lands without naming an executor was called a will. In case of a will, a testamentary disposition of lands, not now or at any time

In admiralty, a representative (at ante, p. 34) appointed by a will, is its proper organ or minister. [Com. 257, 2 Bl. 196.] It is appointed only in three cases: 1. Where no executor is appointed. 2. Where he cannot act, as in case 3. Where he will not act, as in such a case.

Cess. I admit, in a manner, so trusts to those, who are entitled to the personal effects of the testator. [P. 3 Bl. 326. p. 1] Hence, the jurisdiction of the court in cases of more personalty, between parent and child, of law, legal and [3 Bl. 318, 319. 426. 476. 477.]

The heir is the person appointed by law to succeed to real estate on the death of the ancestor. [3 Bl. 260.]

A devisee is the person entitled to real property by the voluntar testamentary appointment of a person. [3 Bl. 265, 266.]

An illegate is entitled to personal property by a similar appointment. [3 Bl. 312.]

The power to give one personal estate is much that of a husband at will, except as far as they themselves are entitled to it at will, and real estate, is not in law have not, as such, any power. [3 Bl. 321. 318. 319.]

So real estate was not, originally, testamentary tool.
It has been said, that in such a case it is not as to both will of personal property. Not correct: The idea seems to have arisen from the idea of not being liable, as such, to pay ancestral debts, from the estate properly being liable, the personal, for all debts. But it has neither in any, nor in any estate, nor in any estate, nor in any estate. They may have a power to sell in certain cases, granted by Statute. But it may appear stronger (Rev. Stat. 18th) that an intermeddler with real estate does not make an estate in the estate, but...

An ancestor death title to land not devised, vests immediately in his heir. It must be in his own name.

When it is lost, but it has been often decided that it must be in his own name, he cannot maintain ejectment. Sending the settlement, even of intestate estates, he cannot maintain his ejectment. Here must be this he must account in this case, with a view for the damages. (Decided in N.H. courts.) The heir, therefore, may recover the land immediately, Probate may still order a sale, (Howard Dickinson v. Whitmore, 6th of 2d 1793.)
A deed of land sold under a power from Roberts, br. 2, sec. 5, signed by her, not as exec., but in which she is not named as such, nor the power counted upon, does not pass the interest. (Post, 165.) Such deed, after due in evidence rejected. (Hunt v. Castle, 10, 602.)

Post, 193. 199. 497. Montrev. 77, 27. 11, 281.

Such omission relieved against in Chanery. (Post, 168.)

The personal property is charged of tax, unless, at the time of the demise. But the estate is liable for debts by specialty, & debts of which only prove. (Post, 92, 391, 163, 415, 27, 420, 375, 243, 24.)

It comes: (i) under, since the estate of the deceased, not priests, (ii) debts of pecuniary, (iii) debts of real estate, from the first day of the term, in which, if goods & chattels, from the date of the estate. Now, by sect. 29 law, when lands (as & real) are put in, only from the day, or which judge is disposed. The goods & reals from the delivery of the estate, to the sheriff (Post, 420.) According to the old, and judge bound land in the hands of the heir, from the time of the original writ purchased. (Post, 26, 405.)
Specially creditors may prefer to obtain the real or personal estate of the debtor, if they come upon the personal, it is not sufficient to discharge all the debts; the creditors by simple contract are liable to the whole demand (as in the case may be) without any remedy at law. Since they cannot take real estate, they are unprecedented to specially creditors.

April. 93. 3 Oct. 46. 2 Oct. 57.

But in the last case, chancery will relieve the simple creditors by selling them in when the real estate, as much as the specially creditors have taken of the personal property; but the simple contract creditors stand in the place of the specially creditors, as to be much at sale. Per 43. 37. 3 Oct. 46. 2 Oct. 57. 1662. 59. 5. 69.

The relief is afforded by chancery ordering a sale of the real property, in the hands of the party.

Some indulgence, in this, to generally signing, will be

If the value of the sale be insufficient, average is made.

The spirit of these Acts, under our law, is adopted by our law; but our law subjects the whole real estate, at all events, to simple creditors, as well as to those

The record. 3 Oct. 57.

If creditors in equal degree, he, who first obtains payment, is entitled to his whole demand, even to the exclusion of the rest. 3 B. & C. 66.

Our law as to insolvent estates has established a different rule. And in 46. if two creditors in equal degree have commenced a suit at law (as brought a bill in Chancery, the rule now is) the one cannot adjust his claim by voluntarily paying the other. 3 B. & C. 47. 3 Oct. 57. 2 Oct. 57.
In equity, if land is devised to pay for payment of debts, the devise cannot for that reason, be void at law. On the other hand, as having assets (1 Com. 167. 1 Moll. 927. 2 Wil. 402), then, if the devise is not to be completed, at law, to make good of the land—land not being considered as assets in the hands of the devisee, so as to subject him at law.

But, this will complete the devise to sell (Thack, 1st ed. 143), if it is not to any other person.)

App. 2. (2 Bl. 316.)—Op. meaning; left to make out. What effect there is of test.竹

It appears there are several kinds of real; i.e. such as descent to the heir, make him liable to suit, for if the same inheres in the heir, as heir in his own estate, 3 Mev. 398. 3 Codd. 254. 2 Bl. 243–242. 3 Bl. 323. 2 Bl. 949.

1. Personal—i.e. objects enter means—the real property of debt, as comes to the issue as such, makes him liable to creditors for debts. 1 Com. 397. 2 Bl. 319. 1 Port. 168.

Again, asserts are legal, or equitable. Legal are such as go in a course of administration; i.e. according to the order or priority of debts, equitable are those, as are distributed among all creditors, equally, for value. 2 Bl. 125–129. 18. 132. 3 Bl. 44. 2 Bl. 179. 3 Bl. 312–112. 1 Port. 168.

The forms being regulated by present law—see latter part of 457.
case of a mortgage in fee, the mortgagor has no other than an equitable interest, because there is no reversion.

But if lands in fee be mortgaged for years, the reversion in the mortgagor is legal aspect, and such may have judgment to the heir of mortgagor of aspect quanta accident. i.e. this is a stay of event till the reversion comes into possession, (Cor. c. 16. 125. 1 Nen. 41. 39. 2. 22. 22. 25. 24. 24.)

In Cor. 20, equity of redemption is legal aspect of aspect.

Reversion contingent on the determination of an estate tail, no aspect. (3 P. 17. 235. 48. 16. 14.)

Contrary to the authorities, as to the quality of aspect arising from the sale of lands, devised to be sold or directed to be sold, not expressly devised, in the payment of debts, whether legal or equitable. 23 P. 44.

According to most of the older cases, money arising from sale of lands, devised to, or subject to the power, to pay debts is legal aspect, on the principle, that whatever comes to the hands of an executor is legal aspect. (1 Der. 22. 22. Land. 405. J. 42. 25. 136. 245. 410. Rech. 127. 126. 20. 17. 332. 18. 17. 18. 17.

Yet the latter cases, some of the old ones considering the estate in this case, in the double character of equitable and ownership, have avoided themselves of the latter hazard.

The true aspect is equitable. Finch. 196. 24. 17. 135. 20. 28. 28. 20. 140. 135. where Lt. Barnes denies the case. (44. 120. 42. 42. 129. 129.)

* These cases seem to have reversed the true authorities.
For, money arising at rates by trustees, is equitably applied by reason of the exclusive jurisdiction over trusts.

But it has been held, that when lands (thrown charged with payment of debt &c. consequent to the heir, have not devised, i.e. when the interest does not pass by the devise) they are legal assets (1 B. 13. 436.
3 & 4 Will. 4. c. 38. 5 B. 13. 26. 2 B. 32. 3 & 4 B. 19. 2 B. 128. 3 B. 32.) For the statute, as to joint devisee has given the specially worded in such cases, in notion of debt at law, after the heir of oblige. 3 B. 27.

In conformity with the last rule, it has been held, that money arising from a sale of land, under a true power to sell for payment of debt &c. should be legal assets, because the land descends— the descant is not taken. (1 B. 13. 2 B. 26. 5 & 6 W. 13.) Secry if the interest passes by the devise, 7 B. 13. 3 B. 63.

This distinction exploded, as rather matured by Sir. Thurlow. who held, that the descant was taken by a power to sell, as much as by a devise to sell, carrying the interest by express words. (B. 6. 133.)

Lands, descending to an heir, are to be applied to the payment of debt, the benefit lying lands specifically devised can be taken. This rule is reversed, where the lands are devised for the payment of debt. (3 & 4 W. 356.)
According to our law, as in cases where debts are not, as such, postponed to debts by specially, the priority, principly on any distinction between different securities, or evidences of debt: The time is a priority arising, in certain cases, from the cause, or consideration, out of which the debt grew, from the prepayment, or privilege of the creditors. As in case of intestate estates, general charges, or that debt, owing to the State, etc. 67 Mo. 600. the estate divided pro rata. (Pet.)

In testator's estate, where the heir's creditors went to the personal fund, if there were, when the homestead amount, i.e., whole devoted intent or, that the personal fund, shall not be extinguished, distinct from other, other, where personal fund is extinguished by bond and demand, such, and, and, (Pet.) is extant to hand. The latter rule obtains, only when there is a deficiency of personal assets.

If in real property, as well as personal estate in debt of the deceased, [but the estate cannot affect the creditors to receive debt as property.] 12 Mo. 25. it will. 152 Mo. the, no due by specially.

In Eng. the heir is entitled (not. ante) for specially, debts, to the amount of his estate. 22 Mo. 182. But estate may as well if he pleased, 3 Dec. 25. 44 Mo. 57, Dec. 12, etc. 9 Dec. 185. 3 Dec. 187.

In estate may one heir go, point, enter for. the other, point, 5 Dec. 25. 5 Dec. 1805-5. but if he recovers may. yet both, I have a satisfaction from one, the other may be relieved by another, guarantee.
His not found, even by special court of ancestor, unless expressly named; because according to the old personal law, no other property than goods, chattels, personal effects of land, not the land itself were liable to be on the personal court of the ancestor.

Now, however, not liable except by express want.

3 Bl. 415. 2st. 111. 1st. 3 Dec. 23. 29. 10a. 136. Blouw receb. 2 Dec. 328-7. 2 Oct. 42.

Robt. Dickson, not usually liable to on 2 Dec. 328-7.

In action as a how necessary to allege, I knew, that ancestor bound him. 1 Rob. Bot. 1. 20th. 2 June 136.

And even when the heir is bound, or rather, when the obligation descends to the land, his tory cannot be taken in eq. 2. The eq. is apt to the land only. 1 Rob. 165. 276. 2 Dy. 41. 62-24. 61 Oct. 16. 263.

The land is obligated to execute not in fee, but till the issues of mortgage, discharge the debt. And the land liable in the hands of the heir, because otherwise, the action of debt allowed at com. Law, apt to the hein, would be useless. (2 Dec. 328. 3 B. 12. a. the fee, 4st. 1st. A. 7th.) This is the only instance, in which land could be taken in eq. as in personal actions at law, (2 Dec. 328. 9. 3 Fl. 23. 3 B. 12. a. 2 Oct. 16. 6 B. 31st. 1st. 8th. 1st. 1st. 1st. 8th. in behalf of a subject. A king might always take land in eq. as in default of personal debts. 2 Dec. 328. 1st. 1st. 1st. 1st. 1st. 1st.)
of the debtor, while in his own hands. Just made
call ro. 18 c. 31. for debt 36. by Stat.
Next 2. 18 S. 7 by exec. Same year Stat. &
metocatibus now passed, enabling debtor to pledge all
his land by a recognizance, in nature of a venal bond
2 B. 187. 1. 1. 4. 18. 2 B. 39. 2 B. 41. 47 2. 15 4.
3 2 B. 39. 2. 1. 4. 18. 2 B. 39. 2 B. 41. 47 2. 15 4.

Enact.
itis. 5th.

Person of a first subject to exs. for debt 36. C. 2 B. 39.
Ch. 3. This gave the ca. in 3 B. 39. 4 4 4.

E. 26. I admit an idea, on the
C. 3 2 B. 41. S. 18. to the 2 B. 39.
C. 3 2 B. 41. 3. Charging in the debt 3. 9.
snow made by verdict, under Stat. 18 17. Ch. 3. 5 2 B. 39.

Exception where the ex. is personally liable, as he
may be in certain cases. E. 8. for real, for certain
use of the debt. Not in the debt. Because they are liable,
only in respect of property which they held for others
not in their own right. They do not ever. 2 B. 41. 47
now made by verdict, under Stat. 18 17. Ch. 3. 5 2 B. 39.
He must be sued in the debt & distress—because in his own right... the debt descends into the land. (3 Bac. 2df. 5 to 5th. Plowd. 4th. 3d. 2d. 1d. 12. Ce. Elis. 72. 18. 47.) By charging him in the debt only, tried by verdict, under Stat. 1847. Bac. 2d. 2d. 2d.

Note. If the heir, in case of such an alienation, before action, is liable, as to his estate, to the value of the land sold—But the land sold is not liable in the hands of the bond for purchaser. (3 Bac. 26. 1d. 1a. 47. 1877.) If the heir alienates after action brought, is the rule as at common law? (8md. 2d. 3d. 2d. 26.)
Finally, lands devised were not liable in hands of devisees to be taken by bond creditors. The creditors had no remedy, all law men in equity (3 Dnc. 27. 18. 65. 142. 261. 573. 3 St. 1st).

Now, by Stat. 39. 1. 1st. dev. devised 1st. and no special bond creditors, 3 Dnc. 27. 18. 65. 142. 261. 573. And the bond creditors may have their debt on the devisees. The heir belle v. c. is liable jointly, 3 Dnc. 27. 18. 65. 142. 261. 573. 3 St. 1st. dev. to said, unless the heir is joint, 3 Dnc. 27. 18. 65. 142. 261. 573.

But a devise for payment of debt (as raising portions for younger children) is not within the rule. Such devises are good. Bond creditors cannot defeat them—they are paid only out of other creditors' funds. 3 Dnc. 27. 18. 65. 142. 261. 573. 3 St. 1st. dev.

The heir of an heir is liable for the bond debt of the latter ancestor, but the second heir is liable in respect. Termes, further than the first, may be made out. Bond by heir, Termes courts, second heir may be paid and secured, amount from the first, 3 Dnc. 27. 18. 65. 142. 261. 573.

Termes, By 344.

6 as adm. of heir claims not liable, as such, for the bond debt of heir ancestor. In the heir himself is liable only in respect of the land, his person is not charged. (3 Dnc. 21.) But it is said, that if heir alone the land, to defeat creditors, if joint, all the more into the hands of the ancestor, 3 Dnc. 27. 18. 65. 142. 261. 573.

2 Term. 62. 75.
Here are such, as such, not liable, in some, to pay any debt of the
average. But, if the security can be found out, which
there may be liable, or if on the principle that as a
will relieve the goods, whereas they are paid by the
Chalmers 1 2 8th 3d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphlet 1 2d pamphle


Sec. 2. At the age of 17, is bound by himself, not 3, 7.


But an infant, off, at 17, if 17, is not bound by any act to his prejudice. 2, 3, 4, 5. If he gives an assurance, it is without answer or assent. If he goes to a legacy, he has not answer to pay debts. In these cases, if bound, he would be subjected to a decree. 2, 3, 4, 5. 1, 2, 3, 4, 5. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9. 1, 2, 3, 4, 5. 6, 7, 8, 9.
By com. state, an infant may be made will. And the
may be cut at 15ly or not. And another state, may be made to
must give land. (The second state, when it did not
give land.) Stat. 6. 185. 152. State that in the
187th of 14, to be cut in count. The state.
Can an infant make a will. 15. 152. 15. 152.

A com. court may be cut according to the law
of the spiritual courts, i.e. the canon law;
which is considered as a com. sole, capable of suing &
being sued alone, i.e. of taking upon himself the
office of int. without consent of husband. 2 Bar.

But by the com. law, wife cannot give away
her 16. 3. without husband's consent. 2 Bar. 37. 4
Venic. 262. 281. The 291. The com. law regards
the spiritual courts in this respect.

Therefore, if husband, directs, she cannot act. (If
the spiritual court would compel her to accept, a
prohibition will be issued.) 2 Bar. 37. Venic. 262.
If so, she cannot refuse the office, if.

So on the other hand, the wife's consent is necessary.
She cannot be compelled to walk, but the courts
shut the door, by her husband's consent, on her
own will, but if the husband actually administers, she
is bound by his acts during coverture. She cannot
If a wife administrates, without husband's consent, & action is brought ag. them; they are entitled to show that she was never m. (2 Boc. 339. Poth. 116.) &c. The case is, as to the nature of a reversion. It being in the intermediate, to make her 2d residv.

If some one be named co-tenant, before she intermeddles with the estate, yet the husband administers; this is such an acceptance, as will bind her, "If she can never afterwards return it." (2 Boc. 373. Poth. 116.) 2d not after cov fee. She is probably, supported by the rule, not to have excepted.

A person co. may, without husband's consent, it is said, make a will (or rather, a testament) of such good as she has in co. (2 Boc. 375. Poth. 118.) 2d Boc. 17. 1 Rob. 48. 17th. 24th. 652. see 2d Boc. 17. 1 Rob. 48. 17th. 24th. 652. &c. (What husband's consent. at one or both, is necessary.)

But it seems not established, that she, as a co. may make an end of the goods she holds at co. (2 Boc. 17. 1 Rob. 48. 17th. 24th. 652. 118.) for the reason of making a testament of the goods in order to a disposition of the goods. But this rule belongs to another kind, viz. She may make will Co.
The King, by the Privy seal, may depute. But he may nominate others to take up from them the care of the lands. They may be sued as representatives of the King. 1 Cor. 13:13. 2 Thess. 1:5. 1 Pet. 3:17. 

Corporations. 1. Corporations aggregately cannot be at law. 
2. Corporations singly cannot take the oath, according to the civil law. 1 Pet. 2:3. 

Delinquents. 1. According to the civil law, no apostate, heretic, felon, outlaw, or traitor, could not be excommunicated. 

Outlaws. Persons attainted by law may be excommunicated. 

Powers excommunicated cannot be at law. They cannot be sued or take up from the Church, the care of the goods of the dead, in cases not coming within the 1 Pet. 3:17. 1 Thess. 1:5. 1 Cor. 13. Godolphin, 88. sect. 32. 

This is the only instance (of any kind of disqualification arising to the 1 Pet. 3:17. sect.) of excommunication. We have nothing to do with disqualification arising at all.
In respect of country.

By the law of war, an alien may, in case of necessity, be an enemy.

1 Cor. 3: 15. (1 Cor. 3: 14-15.) He may have the administration of his property, as well as of immunities, because he holds an alien status.

Secus, by the civil law, except in case of military necessity, which are governed by the jus gentium.

Whether an alien enemy can maintain actions in our courts, and if not, why.

3 3 P. C. 375. 4. No. 856. 623. No. 436. R. R. 375. 2. "The right of property in the case of an enemy is protected by a government. The enemy is not to understand these words to mean, 12 P. C. 213. 2. 4th. 2. 2. 812. (In our courts, a country.)

Indictments.

By the laws of nations, aliens are incapable of being tried in our courts. They cannot execute the law. They cannot determine with them to contract.

12 3 P. C. 276. 3d Act. 16.

So, if an act become more complex, it may be committed to another. (2 3d Act. 376. 3d Act. 6.)

Saline Hartrum. Prejudice Court cannot refuse to grant relief to

So can the common law (in another) court demand a

For he derives his authority from the statute. 12 3d Act. 376. 3d Act. 213. 2d Act. 47. Leg. Reg. 36. 170. 17. 25. 3d Act. 38.

Sauce Hartrum. Prejudice Court cannot refuse to grant relief to

...
At the cashier, or, at his discretion, will compel him, like all other trustees, to give security, if in default. (2 Bac. 377. 1 Fand. 455. 1 Hooe. 374. 2 Dall. 249. 2 B. 8. 8. 8. 8.)

So, where the court not involved, in ejecting the tenant, &c., the court will oblige him to give security, 3 Bac. 377. (1 Cor. 12.)

So, on a suggestion of insolvency, &c., the court will order the sheriff to commit not to pay the court judgment. 2 Bac. 377. 1 B. 5. 7. 3.

2 Bac. 377. 1 B. 5. 7. 3.

What may be admitted?

All persons not disqualified, may be admitted.

A person cannot act as ad

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Time may be, when a simple may, with such a consent, be saved. If he may be entitled, as in the last case, 2 Bac. 413. and 261. the marriage is an act of invalidity, a man may be a husband in law. 2 Bac. 413.

If the husband finds faults, and is not disposed to marry, he may consider of the marriage, and 2 Bac. 413. not to decide. 2 Bac. 413.

If some settle on marriage, husband is legally married, during coverture, by his act to commit an unnatural act in coverture, even to a father. 1 Bac. 293. 1 B. Ca. 258. 12 R. 22. c. 2. 22. 42. 1 S. 35, 35.

In this case, the marriage is legally solemn. Marriage may be concluded. Bac. 293. 1 B. Ca. 258. 12 R. 22. c. 2. 22. 42. 1 S. 35, 35.

If the husband, in the last case, is bound during coverture only, but in equity, creditors may follow the estate into the hands of the husband, after his wife's death. 1 Bac. 293. 1 B. Ca. 258. 12 R. 22. c. 2. 22. 42. 1 S. 35, 35.

In this case, the husband is bound during coverture, and the estate is to be divided. 1 Bac. 293. 1 B. Ca. 258. 12 R. 22. c. 2. 22. 42. 1 S. 35, 35.

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To an alien may be admitted as well as to the citizen: supra (2 Bk. 275, ch. 40, Sec. 14.) as to an alien enemy, as in executio fit. (art. 82)
(art. 126, 128. 39th. 1st. 37.b. 3rd. 370. 3.)

Abide! Landmarks cannot be admissible. (2 Bk. 276.
Dol. 38.)

According to other books, the alien was admitted by the old law, to secure upon the goods of all intestate non-English citizens. (art. 126, 370. 3.)

According to ancient times, the case disposed of intestate goods belonged to the local law, i.e., the local of the manor. (16th, 370. 3.) The jurisdiction of the ecclesiastical court, in testamentary matters, in matters of adm. is said to have commenced in the time of Wil. 2. 2 Bk. 277. 3.

As to Ward, it seems, that the crown invested the
feudal with this power.
This power of the ordinary was after all that of the prelate of _will_, [it being] thought reasonable, that the will should be made to the satisfaction of him, whose right of disposing of the goods of test. was expressed by it. 2 B.C. 174.

The ordinary not being accountable to any one, did as he pleased with that which remained after paying the reasonable debts or the 2/3 of the widows and children. 2 B.C. 174. [So, during the early period of the feudal system in this a man having wife & children, could bequeath only 1/3 of his estate; but in this case extended to no one if he had no wife, or no children; and was at his disposal.]

The ordinary was not bound to pay over the debts of intestate (2 B.C. 277). But when a will was made, the testator was always bound to pay testator's debts to the extent of goods, sold (2 B.C. 275); for my lord, if a intestate's right of replevin (it was discretionary), was suspended.

While the law stood thus the ordinary disposed of the goods of the intestate, in person - did not appoint others. 2 B.C. 415-6.
The first use given to the power of the ordinary was by Stat. Wetm. 2. 13 C. 1. 3. 1st. Cod. 147. Tit. 6. Comb. 37. This Stat. obliged the ordinary to pay the debts of intant. To the extent of assets. A x. was obliged to do. (2 Bk. 41. 3. 2 Bc. 39. 3.) It gave example an action at /t in the same. Colm. 237. 2 Bc. 413. Dux. 133. 1st. Be. 46. 7. This Stat. is said to be in accordance with the con's law. (1st. 62. n. 9 Bc. 39. 6. Colm. 237.) In what con's law? Where is it to be found? (2 Bk. 498. 2 Bc. 413. 39. 49.)

The Stat. Wetm. 2. Still left the surplus of the payment of debts, to the disposal of the ordinary. (2 Bk. 498.) The clause of this remaining power occasioned another interference of legislation. 3d.

A Stat. was made (21 C. 3.) enacting that in case of intestacy, the ordinary should define the "next & most lawful friends of the intant. to administer." (2 Bk. 498. 2 Bc. 414.) Colm. 238. Lord 2. 498. This Stat. is the origin of alms. (i.e. ordinary.)" Ordinaries appointed by the jurisdiction court to represent the intant as to personal property. (Colm. 238.) It also existed at common law. (1st. 30. 37. 3. 37. 2 Bc. 41. 3.)

Before this Stat. ordinaries had begun to appoint their to act in their stead; but these could not. nor be made. (2 Bc. 413. 413. 1st. 133. 1st. 48. 48.) This Stat. was made in 48. 48.

1st. 31. 31.
This Stat. 33 Edw. 3 enabled adm. of patents under it to sue for receipt of debts due to exec. as ors. might, if objected them to actions by creditors, as exe. were before subject. (as the ordinary was by Stat.) 3 Hen. 2. 2 H. 4 v. 23, 2 H. 44. 2 H. 44. 111.

But this Stat. did not oblige adm. to distribute the surplus, after paying debts. (2 H. 4 v. 23, 2 H. 44. 2 H. 44.) 2 Hen. 3, 2 H. 4 v. 23, 2 H. 44. 2 H. 44. 111. This was a 22 Hen. 3, 2 H. 4 v. 23, 2 H. 44. 2 H. 44.

Adm. by whom granted.

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In certain cases, courts have, by immemorial custom, the right to grant admission, but in no other way. (2 B. & Ad. 422. Van. 13; 9 B. & Ad. 1.)

In some cases, courts have, by immemorial custom, the right to grant admission, but in no other way. (2 B. & Ad. 422. Van. 13; 9 B. & Ad. 1.)
If there were several next friends (i.e., equal degree) the ordinary night at the court select the most fit of them (cap. 49, 2 & 3 Car. 2). But now courts claiming a right of

The power of the ordinary was enlarged by stat. 12 Hen. 3, which allows him to grant admittance to inquirers next of kin, or legal mind. This act must give him power to appoint what he pleases. Next friend. If next of kin seem to have been construed as synonymous except that the husband (the father was included in the first word) 2 12th, 2 & 3 Car. 2, 2 & 3 Car. 2, 16 Hen. 3, 20 13th

This seems to have been construed in some measure as explanatory of 2 12th, 3, the act gave the power of preferring the next of kin to the next relatives. Joining them. Both shall join in the last entry of the law on the subject.

This act also gives the right to the husband on the wife’s death, but he has always been held entitled (2 12th, 2 & 3 Car. 2, 16 Hen. 3, 20 13th).

This statute does not seem to give the admittance to the husband on the wife’s death, but he has always been held entitled (2 12th, 2 & 3 Car. 2, 16 Hen. 3, 20 13th).

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The act also gives the right to the husband on the wife’s death, but he has always been held entitled (2 12th, 2 & 3 Car. 2, 16 Hen. 3, 20 13th).

Hence, he must be placed in the statute.
If husband dies before wife, taking her representation in his will, she shall be entitled to admit his wife's estate to the exclusion of the next of kin. It is said to be compulsable thus to grant it. (Lev. 25. 2. Eq. 38. 5. Eq. 53. 3. P. M. 381. 2.) This is even called "next of kin" in one or two cases. (P. M. 381. 2.) But it is not held over by next of kin. If the husband be not heir, the widow is only bequeathed a third part, which she shall receive in full for herself (Lev. 25. 5. Eq. 109. 5. Eq. 382. 4. Eq. 72.)

If wife out to another person dies, born of the good which she has or get of her husband, but to the next of kin to be held. (Lev. 25. 5. Eq. 1109. 5. Eq. 382. 4. Eq. 72.)

By the stlc. 11 Eq. 3. 1. Eq. 21 Eq. 3, the ordinary is compulsable to grant abot of husband's effects to the widow or next of kin but he may part to either, at his election or to both. (Lev. 25. 2. Eq. 384. 5. Eq. 53. 5. Eq. 38. 1. Eq. 38.)

When intestate leaves no wife, abot goes to next of kin. Among kindred, those in the nearest degree are preferred. But

Of next of kin in equal degree, the ordinary may take which he pleases. (Lev. 25. 2. Eq. 384. 5. Eq. 53. 5. Eq. 38. 1. Eq. 38.) This is a great exception to the

Advis: When granted to live or move, may always be joined & in some cases formal. So that abot may always be granted, if several parts of the goods be allotted of one part to wife, of another to next of kin, as children, parents, brothers & sisters etc. (Lev. 25. 2. Eq. 384. 5. Eq. 53. 5. Eq. 38. 1. Eq. 38.)
But if an entire thing (as a bond for £100), several abovements cannot be granted. If two are appointed, they must be jointly appointed. (Sedam. 4. Sect. 36. 1st Ed. 106.)

The degrees of kindred are computed according to the civil law, not of the common, or consanguineous law. Therefore, children are preferred to parents. (For instance by the civil law, the computation is from the dead as termini in a quae, and not among claimants, but by the consanguineous law of children.) And both are in equal degree. (2 Pet. 1st Ed. 118. 2 Pet. 2nd Ed. 24th. 2nd Ed. 2 Pet. 2nd Ed. 126.)

The rule is, that 1. Children. 2. Parents. 3. Brothers. 4. grandfathers. (2 Pet. 1st Ed. 118. 2nd Ed. 1st Ed. 126.)

 Females are entitled equally with males in the same degree. (2 Pet. 1st Ed. 126. 2nd Ed. 1st Ed. 126.)

Exe. 20. 6. exist. 50. exist. in 'quae of parents to prate.

In computing the degrees of kindred, half blood is regarded. Therefore, half blood is equally entitled with the whole. (2 Pet. 1st Ed. 126. 2nd Ed. 118. 2nd Ed. 126.)

Brothers of half blood before marriage are 1st degree; but, after marriage, 2nd degree; and thereby whole blood.

To the claims of the next of kin, or next joind (as for daughters, brother, sister) is extended to their representatives, so that, representatives of such, exclude more distant kindred than their parents. (The fact I believe do not mention representatives, nor the rule generally as 21. Lev. 1st Ed. 37.) But it seems according to our method of that under first.

21 Ed. 1. the right of representation does obtain as in distributions. (Ray. 1st Ed. 1st Ed. 1st Ed. 1st Ed. 37.)

The rule under 21 Ed. 1. is just to have them:
1. Husband, a wife. 2. Children. Their representatives. 3. parents. 4. brother or sister. Their representatives. (Ray. 1st Ed. 1st Ed. 37.)

as to representatives.
If none of the heirs just mentioned is a good wife, or if heir will accept ad
source of heir, may by
admonition, be admitted in. He is the next claimant.
(2 Bk. 315, 324. Loc. cit. 22 CH. 33)

In the event of all these, ad
source of
...k, to the right,
(2 Bk. 31). Here 27. 112, 122, 123.

If there is no heir who is

...k, the king,

...f. 1. 31, 32, 33.

The ordinary appointment, of course (Bk. 31 CH.

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Whether entitled to Ads?

In Conn., a husband claim adms except as many shares in land, funds not - Sec. 34. We have no stat. relating particularly to intestacy of persons, one such genl. stat. as that of 31 Geo. 3, giving adm. to next friend - no such us 29 Geo. 2, declaring husband's right to adm. (without distributing or in any other way). Husband has been sold next of kin in Eng., it is true, 16th Stat., 34th, omitting adm. to husband in Eng., not within the reach of the stat. of Geo. 8. 20. 319. 22.

If a person, having no parents, dies intestate in Conn., his property, real & personal, belongs by stat. to the state. Courts of Probate are to appoint ads. of the property to take charge of the same seems to extend to real estate, as much as to personal. But he cannot sell either, it seems. This must be done by the legislature of the state. Ads. is to take charge of it, & deliver it over to the state.

When an Adm. in Conn. refuses to accept of a bond, ads. is to be granted, as it is, in the first case, in Eng. But our law, in this case, differs from the Eng. as to the persons to be appointed. In Eng., ordinary is not bound in such cases, by the stat. (Sup. Parte) 29 Geo. 2.
Ext of title!

1st of 4th. The adm. is appointed on his estate. The adm. is appointed to admit the effects of the first adm. only. Not of sec. Sec. adm. must be granted on the act of anything necessary to be done.

But the adm. of D. C. is the bye, i.e. D. C. of the power of an act. It is a question on the appointment of the deed. This appointment is founded on a special condition in the act (1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th).

The act of B. was not valid. It was not valid for there was no act of B. in the first act of A. B. He died, leaving C. B. as executor of A. C. 1st BC 1861. B. the whole authority survives to B. B. died, leaving D. 2d BC 1861. B.

Set the adm. of D. C. is not the representative of A. In the adm. in this case, has no relation to B. No priority between them.

(1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th). The adm. is commissioned to admit the goods of A. are not in the original article. (2d, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th). The act, adm. (de novo) new, can testamentary, annulled part.

(31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th).
Transmitting. If J. J. leaves his end 3. D. dies, leaving B. heir of 3. 3, & 4. is an infant, his end 3. D. admin. ad interim; if B. is granted to by 3. D. is not the representation of J. J. (2 B. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46.

Whenever, therefore, the course of representation from 32. to 36. is interrupted, by any event, all the goods are not administered; administration must be granted of the goods not admin. by the first end 32. or earlier. (3 B. 306. 31. 32. 33. 34. 35. 36.

Adm. de locis novis, may, like an original adm. be special — i.e. of certain specific parts of the effects not adm. — the rest being committed to others. (2 B. 306. 31. 32. 33. 34. 35. 36.

Manner of proving wills. The ordinary may, or officie, or at the instance of any party interested, sit the case to prove the will; according to some, the case may be cited at the instance of any person that the latter may know, whether he has a legacy left him. (2 B. 306. 31. 32. 33. 34. 35. 36.) In 34., it is of duty to appear voluntarily, within 30 days after death, to prove, or refuse. i.e. when he knows of his appointment. (Ante, § 24.

The ordinary may request lists of goods, till the will is proved. (2 B. 306. 31. 32. 33. 34. 35. 36.
If it be uncertain whether the testator is alive or dead, the fact is to be judged by the ordinary. If there is good presumptive evidence of his death, the will is to be proved. As if testator is distant and corno same is that he is dead. 2 Bac. 463. Godolph. 61. 2. But if the testator is living, the probate is void, as in the ordinary having no jurid. 35. R. 139, 30.

The time, within which wills ought to be proved, is settled by any precise rule in Eng. It is left to the ordinary's discretion. But, regularly, it ought to be insinuated (i.e. I suppose, the existence of the will made known) to the proper officer, within four months from the death of testator. 2 Bac. 463. Godolph. 61.

Two modes of proving wills in Eng.
1. In "demo form," as where the exec. presents the will, without citing the parties interested, & depoets himself, that it is the "true, whole last will of the testor." The judge, upon this, proves it. 2 Bac. 463. Godolph. 62.

This is sometimes done, when there is no contest.

2. "In form of law," i.e. where the next of kin, widow are cited, to be present, & witnesses are examined. 2 Bac. 463. Godolph. 62.

When & proves a will in demo form, he may be compelled to prove it again, in form of law. Godolph. 62. Scow, when the first probate is in form of law.
Probate of a will in some form may be questioned at any time within 3 years next after
Death, when proved in form of law. (2 B. & C. 62.) But, in this case,

Mode of proving will in Court. To examine witnesses, but not, ordinarily, I conceived, to
sit next of him. No. They can always insist on

But it is said that the ordinary may compel
the executor to prove the will, & to make his election
to accept or refuse the executorship. He can
not compel an executor to accept. (Cited 61.)

But an executor cannot assign his office, it being
impossible. (2 B. & C. 62; 1 S. & S. 332.)

But an executor cannot assign his office, it being
impossible. (2 B. & C. 62; 1 S. & S. 332.)
But if one of two or more co- or ex-tenants be refuse the will, or the other proves the will, the will may, according to the English law, admit at any time afterwards — even after the death of his co- or ex-tenant, for the execution thereof survives — (and he is prepared to any event of his own, and, as the will is proved, the ordinary has no authority to take the refusal during the life of him, who proves the will — then he may afterwards. (Salk. 3, 311.) — by the law of an entitled (and so to act) 2 B. & C. 260, 96. 333, 157, 118. 
Hall. 11. 3 P. W. 2 31. Salk. 167. 7. 55. 122, 5 6 26. 9 6 37. 1 Bros. 2 92. a. 6. 432, 2 18.

But accord to the civil law, the renunciation is present, and continues (Salk. 111. 9 P. W. 231.}

Sec. 34.

If there is but one, one, or named, the refusal, or the testament, annore must be granted. The see can never, afterwards, prove the will, or act otherwise, as ex. 37 2 B. & C. 260, 761, 944. (Ridd. 9, 97. 1 Flore. 2 91. 1 26.) may he leave his refusal, & prove the will before utm. or granted?
Plan of the action is at 2 Bac. 396. post.

After an act has been done, he cannot renounce.
(2 Bac. 406.) For, by the act of administering, he accepts the executorship, and determines his right of electing; he makes himself liable to suit. (Edwards 141. 2 T. 72. 2 Rob. 146. 1 Hold. 303. Montic. 35.
2 Lev. 182. 1 Rob. 407.

For. Rule: — 1. That whatever act does, respecting the objects of testa, in which shows an intention in him to accept the office, amounts to an adm., so that he cannot afterwards renounce.
2. Any act, which would make an elector, is an adm., so is deemed to take away the executorship. (2 Bac. 416. Nott. 114)


So taking the goods of a stranger, I administering them, without an apprehension, that they are total's. (1 Rob. 91. 2 Bac. 406.
(Here, if he takes goods of total's claiming them as his own)

So, if he receives, or releases, debts due to total.

So, if these are two or three (without the election consent), takes part of a specific chattel, belongs to him by total. This is an adm. So, if a legatee cannot take his legacy, without the consent.
But, in these cases, if the judge, knowing that the act has been admitted to, notwithstanding, except his refusal, I grant the act to another, the grant is good. If he cannot, afterwards, assume the office, 2 Bac. 465. 1 Bell. 40 p. Vent. 46. 1.

And, if after act, has refused, I admit, granted to another, it appears to the judge, that he had acted before, refused, the judge may repeat the act, and oblige the act to accept. (2 Bac. 465. Vent. 46. 1.)

Nor can the ordinary refuse to admit him, even if, after taking the oath, he had refused; if he does, a mandamus lies, (2 Bac. 463. Vent. 333;) command of the judge to admit him.
of the manner of granting Administration, 

In what cases it is granted.

It cannot be granted by will under seal, not by will. (1 Com. 263. (2d Ly. 294. 3d 463.)


It must be done by writing, &c. (1st. 1062. 2d. 1074. 3d 674. 4th. 267.)

Admn. is to be granted 1. When one dies intestate. (1st. 2d 133. 3d 683. 4th. 31 3rd. 3.) Here, the person entitled, by law, to the admn., has a great authority, & acts for himself, as admn.; i.e., not for another, who has a superior right.

2d, 133. 3d 683. 4th. 31 3rd. 3.

The ordinary may take bond, for due admn., in all cases, even where it is now lost. (1 Com. 263. 1st. 1131.)—Here, bonds must be taken in all cases.


It may be granted jointly to two or more (1st. 1132.) by one dies; the office survives. (2d. 1062. From cases of delegated authority, as a letter of attorney to two, where, on the death of one, the authority ceases. But admn. is rather an office.) (2d. 1062. 3d. 2d 267. 2d. 514. 1st. 462. 4th. 161.)


Several adms. may be granted of distinct things— not of one entire thing, as a bond, for £ 100, joint. (1st. 263. 1st. 1062. 3d. 1062. 3d. 3d. 2d 683. 3d. 3d. 1074. 1st. 1062. 3d. 1062. 1st. 1062. 3d. 1062.)—If a person is made ops. without any limitation or restriction, he cannot renounce as to part. £ 100. He cannot part a bond, the 102, for value, than the sum. He must renounce in tot, if at all. (2d. 1074. 3d 683. 1st. 1062. 3d. 1062. 4th. 1062. 1st. 1062. 3d. 1062. 1st. 1062. 3d. 1062.)—Same rule (I suppose) in case of above grant. generally.
3. To a temporary adm. may be granted while the rightful adm. is an outlaw or in prison.

(2 Bar. 415. 1 Roll. 40.)

5. Why in case of outlawry, for an outlaw may sue he just as if no adm. (7 Bar. 473. 1 Ross. 195. 11 Bar. 44.)

So outlawry or an outlaw in adm. 19 (11 Bar. 47.)

imprisonment of the rightful adm. at an end.

4. To it may be granted precedent to the case when the dispute is decided. Formerly doubted, whether adm. could be granted in this case.

[1 Bar. 463. 5 Bar. 473. 3 Shaw. 69. Ban. 142. 3 2 Bar. 576. 2 Bar. 445. 3 L. 195. 3 L. 195. 9 Bar. 135. 10 Bar. 135.]

5. So if there be a dispute about the right of adm. it may be granted pendente lite. (16 Bar. 263. 9 Bar. 135.)

Thus temporary adm. are capable of suing, able to be sued, while their authority continues.

If the executors refuse, (1 Steph. 238. 1st Ed. 389, p. 231. 1st Leg. 957. 6. 15. 33. 9. 16. 4.) adm. cum test. annexe is to be granted. (2 Bacon 386. 9. 6c. 7. a. the probate adm. de bonis non &c for none of the goods are adm'd. [1st Ed. 389. 5] )

If the executors die before probate, an "immediate" adm. is granted cum test. annexe, i.e., not an adm. de bonis non. (2 Bacon 386. Val. 304. 5.)

If he dies before testament.

If he dies before testament.

If the executors having actually adm. died before probate, an "immediate" adm. (not sup.) is granted because he died before the executor took the executors of the will. (2 Bacon 386. Val. 304. 1. 1st Leg. 957.

2nd part of testament.

If one makes a deed, names no executors, adm. is granted as in the last case. (1 Steph. 238. 1st Leg. 354. 7. 1st Ed. 389. 2. 2. 15. 33. 4. 78)

But if an executor dies, having good adm. vested, adm. de bonis non is granted. (2 Bacon 386. 2 Val. 304. 1st Leg. 957.)

Ord. 304. 5., who have the executors of the will in part.

When the executors die intestate, testator is said to die intestate. (1st Leg. 957. p. 7.)

Ord. 704. 1st Ed. 389.

An. de bonis non is entitled to all the personal property of the deceased, which remains not adm. in specie. (2 Bacon 386. Val. 306. 1st Leg. 143.) Such a money debt, by the original executors, if such is kept by itself, it can be identified. [Val. 306.]

So, to ded. della due to the original testator. It will be a proper interest in the bond, held by the original executors.
By the old law, if the original or his assign had brought an action, his assign, if he died, without taking care of the adm. de levis non could not sue out &c., or in any way take advantage of the adm. de levis being sworn to it. (2 Baco. 356, 5, 362; 1 Ed. 473.) Nor, by statute, by bar. 2 El. 2. 5 jac. 2. adm. de levis non are to have a seat on the jury, when it is rendered on a verdict. (2 Baco. 356, 5, 362; 1 Ed. 472, 3. 3.)

10. If the adm. be under the age of 14, adm. durum is vested in the minor that is under 14 years of age. (1 Baco. 356, 5, 362; 1 Ed. 472, 3. 3.)

I. If the adm. be under the age of 14, the adm. durum is vested in the minor that is under 14 years of age. (1 Baco. 356, 5, 362; 1 Ed. 472, 3. 3.)
It is laid down, &c. 29. 6. that adm. granted during the minority of an infant is void, to determine by her marrying a person of full age, as he becomes interested, with her, in her right as ex. 1st. 1st.

If an infant & a person of full age are ex. & adm. durante & is not granted to a third person, for the one of full age may execute the will. I admit the third person is void. Lev. 19. 3. But it is said that the ex. of full age may take adm. durante & to declare as ex. or adult. & durante (2 Bat. 14. 2. lev. 239. 16. Brown. 46. )

It is true, two infants are ex. one of the age of 17, the other under 17. The former may execute the will, I admit.

The person durante & is not to be granted. Lev. 19. 3.

In this case, I conclude, the elder ex. cannot take adm. durante & for no person, but an adult, can be adm."

If J. S. dies, leaving 1. his ex. J. S. dies, leaving 2. an infant, his ex. J. S. is appointed adm. during his. J. S. is not the representative of J. S. He acts for J. S. who is J. S. (2 Bat. 33. 60. 66. 211.) Then must be an adm. or J. S. appointed, during minority of J. S. (Donogh. 2 Bat. 80.)
said in Com. That adm. duranti, wie, of one entitled to adm. 
and for the time, all the power of an "absolute" adm. 1 Brome. 336. He authority cited. 1 Nott. 916.

But it seems to be established, that an adm. duranti & has not such a general property in the effects of the dec. as such a general authority, as an eq. or an "absolute" adm. Has. For his authority is generally given him: act commode & primum executrix cui sit, pro bono commode. So that he is in the nature of a bailiff to the infant ex: Brome. 336. 3 Co. 27 a. et al. 2 T. & E. 18. 1 Brome. 2 St. 3. T. 103. [Those authorities relate to an adm. duranti of an infant ex: only, but his power is supposed to be the same as that of an adm. duranti of an infant entitled to adm.] The authority of an adm. duranti & is generally granted atfp. 7. commode. pro bono y. not always. As he has, in most instances, et in casu, but not at sight of an ex.

But, the his authority is special, he may generally deal acts which are incumbent on an eq. & which are in legal presumption for the advantage of the infant. His estate of the dec. Ex. He may spend to a legacy. If there be other eq. or sufficient to pay debts; not otherwise. 2 Bac. 331. 3 Co. 27. et. Rwent. 238. An eq. may spend under any circumstances, he. at his peril. 2 Bac. 178. 2 St. 43b.

So he may sue & be sued. 2 Bac. 331. 3 Co. 66. 1 Brome. 719. p. 96. &c. 6 Co. 67. et.

But as he can at nothing to the prejudice of the infant, he cannot sell the goods of the dec. except for the payment of debts (which is a case of necessity) or unless they please.
...cannot make a lease of a term, vested in the adm of 2 Boc. 337. 2 1 Com. 236. 6 to 29. 6 Th. 97. 0 as much as this rule, when the adm. during his grant generally, i.e., not ad commum. Here, he may lease a term, vested in the corp. It is good till 15, attains the age of 17. 2 Boc. 337. 2 oct. 67. 6. But it is not laid down, that adm. even in this case may sell the goods of the deceased for payment of debts. (Put sup. and fiction.)

When adm. it was formerly held, in some cases, that the adm. ordinary could not, in any case, repel letters of adm. once granted. (2 Boc. 410) he having executed his power. (1 Com. 263. 2 Ld. 179. 1 Keb. 633. 3 Bro. 614. 5 Hay. 97)

But it is now clearly settled, that adm. may be repelled on various causes. (2 Boc. 410. Ld. 179. 1 Keb. 633.) the not at leisurely. (1 Com. 263. Ld. 179. 1 Keb. 633.)

1. When unduly obtained: 3 B. 14. If adm. is granted on the ground of a supposed intestacy, while that is a null, which is settled. This, on protest of the will, adm. must be revoked. (Ld. 179. 1 Keb. 633.)

2. When, in a case of actual intestacy, adm. is granted to one not legally entitled to it, as to next of kin to a pene, excluding the husband. Here it must be...
When a document may be rejected.

When obtained by false suggestion, or by any kind of fraud, it may be rejected (9 Decr. 416, 1 Ste. 193, 1 Str. 63-72). To when obtained by surprise or the ordinary, as when he grants admittance on a wrong suggestion, the possibly not fraudulent (9 Decr. 114, 2 Ste. 14).

No, if it be obtained in an irregular manner, as without citing the parties, required by law to be cited. 1 Sim. 268, 1 Ste. 193, 1 Burn. 61, 2 Ste. 126. No, if obtained without giving security to account for within 14 days (4 Decr. 186, 1 Ste. 65). Said in 6 Ste. 15 days.

No, if after admittance granted, he revokes same, or obtained by fraud, without a repeal of the first. When 2 admittances, his admittance must be revoked; the release is void (1 Sim. 264, 2 Ste. 334, 6 Ste. 19).

II. A document obtained may be rejected, in consequence of matters of fact. 9 Decr.
If the original adm. should become a lunatic, or otherwise incapable, (1 Com. 263. 1 St. 15. 1 Bl. 372.)

374. 1 St. 146.

... contra. If the person legally entitled, is incapable at intestate's death, the adm. is, for this reason, granted to another: this adm. may be repeated, on the former becoming capable. (Lev. 18. 19. 1 Bunn. 6. 16. 23.)

4. 1 Bunn. 6. 16. 1 Com. 263. 16 ed. 372. B.

... adm. it is said, may be repeated, without a

... vestiture of revocation; as by granting a new adm. which is itself a repeal. (Lev. 18. 19. 1 Bunn. 6. 16. 23.)

6. 16. 1 Com. 263. 16 ed. 372 B.

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6. 16. 1 Com. 263. 16 ed. 372 B.
And if the first adm. in the last case, had obtained judgment against a debtor of the dec'd, before the repeal; the debt may be relieved against it by autélia quæstio. (1 Com. 261, 1 Bac. 196, 2 Tame. 129. 1 Litt. 62. 2 Bac. 472.)

The case of 6 Co. 186, Ray, 226, 2 Leav. 90, (Note the case on 6 Co. 186. Ray, 226, where the appeal was after an affirmation on affidavit,) in 4 Leav. 602, 6 Leav. 744, in 4 Leav. 664, 6 Leav. 744, 10 Leav. 519, 22 Leav. 123, 22 Leav. 246, 22 Leav. 359, — if the debt is taken into eq't. on this Judge, he may be discharged on motion. (2 Bac. 472. Feb. 83. Brown, 91.)

According to the rule, that a repeal upon citation does not make void intermediate acts, it has been decided, that if our testate, & a will is proved, & proved, as his will, this instance is of the latter, made on citation, I don't grant it, all lawful acts, & put as a rightfull eq't. might do remain good. & it was
Consequence of who paid the supposed es. is not obliged to pay the same debt to the rightful adm. 35, 2, 125.

But, the rule that after a refusal on citation, all lawful acts of the adm. remain good, applies only to cases of actual intestacy— not where the dec. left a valid

So, if the dec. left two wills, of which the former was revoked by the latter. The exec. of the former proves it; yet, on the probate of the second, the rightful exec. or all the same acts of the first exec. are void.


(2d. Was not the two wills acts of intestacy? 2. Bac. 411, 12.)
When the first adm’t is repeated on citation, the authority of the first adm’t is given as the repeat & liable for all the acts in his hands to the rightful adm’t as also for all unlawful acts, 2 Bac. 112. Leom. 307.

But his lawful acts pending the citation, as well as before, are good, 2 Tho. 38. 6 Co. 18 c.

Ex. Parent of just debt & A.

There is a difference in the effect of an adm’t being at issue, or in its being made to by a repeal, on an appeal. In the latter case, if adm’t has paid debts, expenses, or funeral charges, which the rightful adm’t might, or ought to have paid, the adm’t shall receive the amount so paid, in damages, i.e., retain, or be allowed, so much in mitigation of damages.

(2 Bat. 111. Plow. 239. 1st. Ca. 126. Mont. 579. 3rd. 338.)

But in these cases, where the adm’t is void, or made void, by a voluntary payment of a debt to the rightful adm’t, does not discharge the debt, even though a receipt is given. He must pay it over against 2 Bat. 111. Bell. 47. 1st. Ca. 264. Mont. 349. But if he was acting under a valid authority, the debt may be taken among the residuum of the estate.
Of after admittance granted, a new admittance is obtained by formal, without a want of the first. Where second takes release, the admittance is then repeated; the release is void. 1 & 2 26th. 8th. 1st. 13th. 13th. 3d.

In case of any creditor, 8th. 11th.

In case of the real property, 1st. 3rd.

If second is without interest, 2d. 17th. 2d. 17th. 2d. 17th.

What acts? As the last derives all his interest from the testator, the property. The testator of facts is vested in him before probate, on the death of testator proving. The will is called a necessary evidence, 2d. 4th. 1st. 3rd. 2d. 1st. 3rd. 2d. 1st. 3rd. 2d. 1st. 3rd.

The necessity of court, 2d. 4th. 1st. 3rd. 2d. 1st. 3rd. 2d. 1st. 3rd. 2d. 1st. 3rd.

Hence, in justice to the executor, if he proves the will, he is bound to prove the will, is bound. It should be, that he is not to prove the will, is bound. It should be, that he is not to prove the will, is bound.
As therefore the c. derives his right from the will, he may before probate, & may assign any 3d, which will be valid. 1st. 2 Bac. 412. 2 Bac. 413. Vent. 33. Trench. 14th. 2nd. As an adm. can do no valid act, till letters of adm. granted, so he derives his whole authority from the appointment of the ordinary. 1st. 2 Bac. 412. 2 Bac. 413. Trench. 33. Trench. 14th 3rd. 2 Bac. 417. Trench. 33. 2nd. 2 Bac. 417. (But he may not break open an inner door, &c.) so he may not break a chest. (Trench. 14th.)

(And I think, he may assign a legacy, as if he were to inherit, if the testator's act be a void succession, as Bac. 417. Trench. 33.)

So, before probate, he may assign to a legacy. The assign is binding. 1st. 2 Bac. 413. Vent. 33. 2nd. 2 Bac. 413. Vent. 33. 3rd. 2 Bac. 413. Vent. 33. 4th. 2 Bac. 413. Vent. 33. 5th. 2 Bac. 413. Vent. 33.

So, he may pay debts &c. receive debts & give discharge.—I take them. 1st. 2 Bac. 413. Vent. 33. 2nd. Vent. 33. 3rd. Vent. 33. 4th. 2 Bac. 413. Vent. 33. 5th. 2 Bac. 413. Vent. 33.

But if one, entitled to adm. should receive debts & give discharge, before adm. granted, he might after obtaining adm. recover them again; for the right of action was not in him. (2 Bac. 413. Vent. 33. 2 Bac. 413. Vent. 33. 2 Bac. 413. Vent. 33.)
What acts Eve may do before probate.

If a bond of testa be conditioned for payment at a certain day, which happens after testa’s death, but before probate, it must be paid by the day, else or at com’s law, the penalty is forfeited. 2 Dec. 413. Hen. 3. Hen. 1. Lev. 16. 1. Le by the other hand, if the bond was made by testa, or must pay by the day, the before probate, or the proceeding accus. Lev. 17. 4. Now, by Stat. &c. ofm. penalties are holden in courts of law, or payment in court of the principal, &c. 1 Hen. 3. 396. 691.
What acts the testator may do before probate.

He may, in these cases, maintain an action in his own name, without designing himself executor. (2 Bac. 245. Co. 17, 114.) For a pray of letters testamentary is not necessary. (2 Bac. 221. 3 St. 109.)

18. 62. 3. 2 Keb. 668. If may however, in his own name, be greatly hindered, or prevent, the property from being divided.

If a devisee is in any way entangled, or restrained, by their death, he may recover, by the act of 54.

[But see, hence, his right to settle a devise for life, and to recover, &c.]

The devisee's right to settle a devise for life, and to recover, &c., is not, &c. (20th. 2 Ch. 328. 3. 3.)

If before probate, he may distrain on a rent or lease, when a receiver of a year or years comes to him from testator, &c. The rent accrues after the receiver is vested in the estate. (20th. 302. 307. Leveile. 174. Kent. 370. 20th. 917. 2 Bac. 413. 1 Com. 238.)

Lease of the rent accrued during testator's life.

As to money maintained in a testator's estate, the receiver, or any other person, may maintain an action. (6th. 223. 307. That in actions to recover rents, &c. 6th. 289. 15th. 181.)

Before probate, he may maintain actions on a devise, or contract. (1 Com. 238. Leveile. 174. Kent. 370. 302-37.)

With respect to actions of debt with action on rent, contracts, &c. It is not true, (as laid down in 3 Com. 28. 9 Com. 396.) that he cannot before probate, "bring an action, &c. in these cases. It is clearly agreed, that he may in these cases commence an action before probate; but he cannot maintain the action, or declare, before probate. His cause may be tried before probate, sufficient if he produces his letters testamentary at the time of declaring, when he must make protest. (These remove the impediment of initi, 2 Bac. 413. 10th. 174. 1 Chom. 238. Leveile. 29.) 30. 33. 34. 1 Kent. 370. Ray. 481. 307. 1 Chom. 371. &c. &c. 302-37.)
If there are several eq. they are deemed in law, but as one person while dispossessing the land.

Then interest is joint, entire, indivisible (2 Bac. 39. 1. cem. 230. Ped. 134. 1 Pet. 75. 132.)

Therefore, it is a good rule, that the act of one is deemed the act of all. Hence, the possession of one is the possession all—a sale or gift of the object by one, is valid, being regis reris as the contract of all, by one, by one, if debts, actions &c. is binding.


But, if one grants all his interest in land, term, for years to a stranger, the whole passes. For each has one entire and indivisible interest. 2 Bac. 39. 1. cem. 230. Ped. 134. 1. cem. 230. If one releases his part of a debt due to lessor (Ped. 134.)—[Different from the case of joint tenants; for each eq. is possesses of the whole, no part or moiety, in their poss.]
...a right to make different joints.

But one of two abscons; cannot make a valid writing, nor convey an interest, so as to bind the other. Both must join. (1 Ch. 24:10. 11th. 146. Luca. 21.) For the authority, must be entire joint. This rule formerly doubled. (Joseph. 137.) The two must come together, and the two, in proper number, be in proper act. (6th. 10th. 21st.)

Exception to last rule, when the abscons may join in their own right — as in trespass, declining on their own profit. Here, they are considered as principals, not as representatives. Hence, one may release the right of action. (11th. 146.)

If one of two ext. dies, the power survives of that. 2 Bacc. 476. 1 Com. 246. 11th. 146. 3 Bacc. 369. 6th. in case of abscons. (Auto.) 1 Com. 263. 2 Bacc. 476. 2 Com. 324. Bacc. 36. Luca. 21. 21st. 493.

...that one ext. may compel his coe. to account with him, in 600 for a moiety of the effects. (2 Bacc. 376. Oct. 33.)

...if the exts. are made regiatory ligates, one may sue the other, in the regiatory court, for a moiety in the character of a ligate. (Joseph. 135. Notes. 99. 2 Bacc. 376.)
But if one of the executors alone be the party, it is sufficient for the purpose of proving, that there is another executor; without averring that the latter was alive; for if the co-executor was not alive, there is no necessity to know, that he is dead. 2 Bacc. 396, 1 Lev. 161, 1 Id. 242.

But if one executor alone be the party, it is sufficient for the purpose of proving, that there is another executor; without averring that the latter was alive; because the fact is not supposed to be within the cognizance. 2 Bacc. 396, 381.

As to actions by executor, must join, the person must prove the will or is within age or has refused before the ordinary. 1 T. R., 291, 9 T. R., 37.

Delev. 136, 1 Ventile 96, 9 Id. 38.
If an action is brought agst one of several co's, the
does not need the mistake in abatement. He
took the advantage of it. (2 Bac. 396. East. 62.)
56. If one of two co's late, it is lostable in
abatement only. (1 Sam. 29, g. 70. 131).

If, in case of two co's, one refuse to accept, or
protest; yet he must be named. (Solk. 127. g. 37.
Cod. 134. 1 ant. ELE 33.) Where must be
summons & jeorance. The object of summons
jenurance is to prevent the co. not acting, from
releasing the effect of the summons. It is to take
away his profit to the hurt, to make him no
party. (2 Bac. 395. 7. 2 Rolls. 93. Winst. 96. 104.
Bris. 139. 66. 613. 632. Batt. 128.

But, if a theft be committed on the goods of others
while in the house of one of the co's, yet he alone
may sue for it. Cod. 134. Winst. 104. 2 Bac.
397. g. 2 ant. he need not sue as an; but as
his own. (Jef. 35. 60. Edmon. cont. 1. 4. 29.
2 Bac. 303.) The theft of one is the property of
both. (See 10th. 162.) Yet it is only a
for as they act as an tenant, in it.
In general, any unlawful intermeddling with the
assets of the decedent will make a stranger an executor.

Ex. *65.

1. Deed of assets. Converting them to
his own use—paying debts out of the assets—
without giving to debtors due to the decedent.
2. All acts of acquiring, transferring, or possessing the
assets (2 Bac. 38; 1 Rot. 915; Dy. 108; 187; Com. 194;
5 to 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46;
Value of the assets taken as not material. (2 Bac. 396; Dy. 158, b. 2 T.R. 100.)
3. Milking cow, etc. (Bac. 38; 27; 38; 39; 63.)

4. Paying legacies out of assets. Taking a specific
legacy, without any intent. Taking for personal
use, and disposing thereof. (Bac. 38; 40; 3;)

5. Deed of assets. Converting them to
his own use—paying debts out of the assets—
without giving to debtors due to the decedent.

6. All acts of acquiring, transferring, or possessing the
assets (2 Bac. 38; 1 Rot. 915; Dy. 108; 187; Com. 194;
5 to 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46;
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Ex. *65.

Ex. *65.

34. *Ex. 66, 67.
Ex. *65.

Ex. *65.

Ex. *65.

Ex. *65.

Ex. *65.

Ex. *65.

Ex. *65.
Ex parte. 56.

Ex parte, 56.

is a question of law. (2 S. R. 47.) The act or at least, the true principle of apologize is itself.

If the act of the stranger is such as party revives the influence of the manager by giving the proper act of the former, or at least, the act in question to the office of the latter. (2 S. R. 520.)
The foregoing rules, as to what acts make an act of malfeasance, apply, in their full extent, only to cases where there is no rightful owner named in the will. Where there was none, at the time of intermeddling, 

Act. 49.

But if, in possession of the goods taken, the receiver of the goods takes their value in money, he is chargeable as evinced by his acts, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) and, in case of an intervention of an intervenor, the intervener is liable, as a trespasser, as in the case of a trespasser, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) but not for the debt. But his claim to the goods is only void, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) but is still valid.

Act. 49.

But if, even after probate, a will (or after the will has otherwise abated) is allowed, and acts of intermeddling (as taking profits in money, or taking the goods) are not made one act de foro lat., in the hands of the person with the testator, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) the goods taken after probate are assets in his hands, or the intervener is liable, as a trespasser, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) but not for the debt. But his claim to the goods is only void, (2 B.C. 255. 5 B.C. 33. 6 B.C. 52. 7 B.C. 52. 8 B.C. 33. 8 B.C. 33. 9 B.C. 33.) but is still valid.
The ground on which a reflecting in the whole of a circuit is liable to creditors is that from their acts creditors have cause to presume that they are legal representatives; they have no right to dispute the presumption, which they are wrongful acts have raised. 1 B. 99, 2 Bl. 37, 12 Bl. 67, 271. But he has the right to set it up, I cannot maintain the setting in 23. 2 Bl. 243, 12 Bl. 472, 2 Bl. 597, 2 Bl. 305.

An ex. de fide in truth is liable to all the trouble of an executorship, without having any of the profits or advantage of it. (2 Bl. 37.) He is liable to the just; as well that he cannot sue, as such. (B.) He cannot retain for a debt due to himself as the ex. He may pay, Sha. 110, or act as a creditor of an inferior degree. (2 Bl. 37, 372, 2 Bl. 38, 2 Bl. 37, 2 Bl. 38, 2 Bl. 37, 2 Bl. 38, 1 Bl. 441, 1 Bl. 260, 2 Bl. 137, 2 Bl. 37, 2 Bl. 37.) But if he pays debts with his own money, he may retain to the amount so paid. (2 Bl. 266, 1 Bl. 76.) For he retains only his own.

In statute.

So, if at first intermeddling, he obtains letters of admittance, he may retain for his own debts, 1 Bl. 265, 9 Bl. 38, 12 Bl. 337, 1 Bl. 266, 1 Bl. 266, 1 Bl. 266, 9 Bl. 23, Barth. 10th, as act creditors of an equal or inferior degree. So in the letters of admittance. (2 Bl. 37, 372, 2 Bl. 38, 2 Bl. 37, 2 Bl. 38, 1 Bl. 441, 1 Bl. 260, 2 Bl. 137, 2 Bl. 37, 2 Bl. 37.) But if he pays debts with his own money, he may retain to the amount so paid. (2 Bl. 266, 1 Bl. 76.) For he retains only his own.

Thus, in statute, 2 Bl. 265, 9 Bl. 38, 12 Bl. 337, 1 Bl. 266, 1 Bl. 266, 9 Bl. 23, Barth. 10th, as act creditors of an equal or inferior degree. So in the letters of admittance. (2 Bl. 37, 372, 2 Bl. 38, 2 Bl. 37, 2 Bl. 38, 1 Bl. 441, 1 Bl. 260, 2 Bl. 137, 2 Bl. 37, 2 Bl. 37.) But if he pays debts with his own money, he may retain to the amount so paid. (2 Bl. 266, 1 Bl. 76.) For he retains only his own.
An executor on a personal estate is entitled to the whole of the estate, but it is only a personal estate if the interest of the legatee is certain. The estate includes any property or right that the testator legally owned at the time of death.

When sued by the right of a creditor, he is entitled to a decree in favor of the creditor, as a stranger, as a co-creditor, or as a co-debtor. The creditor may bring a suit against the estate, but in such an action, the estate is liable for the debt.
Generally, he is liable only to the extent of assets recd. as agt. credited, he is allowed all payments, made to other creditors, in equal or superior degrees. He may plead failure administravit, I give such payments in evidence to support this. 

But as agt. the rightful ex. he cannot, by pleading such payment, bar the action. The plea of such payment is, therefore, ill. Yet, on the ground, he shall recoup (i.e. be allowed in mitigation of damage), the amount of such payment.

Thus payment prevented from returning for his own debt (2 Bc. 377. B. 12. 1 Bk. 441. B. 12. 12). From sic. 1. 14. 179. 181. Skenn. 274. 3 Bk. 56. B. 10th. 10th. 2 Bk. 376. 1st. 11 Bk. 347. 56. 27. 56. 23.

And, besides, these careful acts, however, bind the property, they disposed of, asgt. rightful ex. etc.

The ex. de fere test is generally chargeable only to the amount of assets recd. (at 54.) Yet, if he pleads no prior eq. to an action by a creditor, he is liable for the whole demand (1 Com. 268. 2 Bk. 257. 2 Bac. 376. No. 67, the Eliz., 72.)

It is said, however, that in these cases, where the value of the assets recd. is very great, the ex. de fere test may be relieved in Eqf. (2 Bac. 376. 2 Bk. 147. 8.)—If he pleads in this case, prior eq. to be seized he shall not be charged beyond the assets recd.

1 Com. 268. Dy. 166. 6. 11 Com. 268.
If there be a rightful & an ex del non tantum, they may be sued jointly or severally. [1 Com. 260. Webster, 253.]

In the case of a rightful adm. for an ex del non tantum, cannot be joined in actions, unless they are not seised or ready at some earlier point.

At common law, the ex del non tantum, were not liable to creditors. [1 Com. 263. 2 Ill. 473.] Now, by stat. 30 Car. 2, they are liable, at least to creditors. [2 Bac. 371.]

Lovel, 3d. 4 Penn. 2d. 191. 2d. 274. 4d. 2d. 274.

An ex del non tantum is mentioned in our Stat. book.

[1 Lat. "State," p. 24. "If any person do beg, steal, alienate or embezzle," &c.] Yet it seems doubtful, whether in such cases, such a character can exist in common law, as the proceedings agt. them would tend to defeat the average. law, in cases of infidelity, of which just.

To prove the estate solvent: This cannot be known beforehand. After the ex del non tantum is excluded from representing the estate insolvent, there is not this objection. Then, perhaps, such a character may exist here, as to creditors, whose claims have been duly exhibited — (as where the time for exhibiting claims has expired) — the estate not having been represented insolvent. — In whether this can be, before the expiration of 18 months from the notice, even as to creditors within the State. (Stat. 6, 168.) The time may be prolonged by petition in the State. Whether till the expiration of two years, (Stat. 6, 169.) as to creditors out of the State.

2d. 4 Penn. 2d. 274. 4d. 2d. 274.
What things belong to time.

The estate of a man in being at the time in which the estate is to be vested, and the extent of the estate, is a part of the estate at the time and in the manner in which it is to be vested.

Ex. 7, p. 8, 9.

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Ex. 7, p. 8, 9.
To it a time for years, determined in line.

(Deed 100.57, 42.2)

...
Ex. 1st.

What things belong to them or not.

Note for injuries to ye persons of others. (26.)

As for the injuries to the persons of others, it is

same rules herein, as in the case of other injuries.

Cases of action, accruing to the death of

reason, are not to be brought at any time, after the

death, to the executor or administrator, when collected, as poll, 102, 108, 258, 242, vol. 277.

But these are not to be recovered until

it is found that no such action is pending, and unless the

person has been declared, as provided by law. (23.) The

rule is, 497. For, if no intrinsic value may not be collected or protective.

Chattels, if possessed, to be held, as to the

security, or held, as to the person, if held in

possession, being interest in a real estate. (205.)

As to the interest in a real estate, to be held, in


As of the interest, the tenant to be sued, in


Notwithstanding personal chattels, denominated, clear of long,

good or bad, but kept by their tenants, or held for the

recovery, or held for the recovery, in possession. (205.) 1. 225, 221, 129, 379, 148.
Ex parte Stinnett

What things belong to them - or not

As here in a land - rabbit in a corn -
stones in a stone house - in a house - fish in a
g. 155, Ex. 58, p. 60.) If any thing or any kind of a

town for the purpose of farm

If tare of ye, testam, where beast be destroyed
but in case of 12 years in any land. If tare
being cost to them 5 in such ca. (Rev. 193 & 141 & 143, &c.,
8 8 14 & 18.) 2 2 18. 11. 2 Bl. 299.

This growing of all kinds - fruit hanging
from trees, list by list, as tare growing prof, to
long to their being kept as at land (Rev. 193
3 2 10.) or brought off as at land. 8 8 32.

\&c. of bedding & clothes for same reason. (Rev.
193. 8 8 20.

\&c. of things grown, as planted by listers, also yield to
income, profit as ye. \\
\&c. of long young trees, at
different embankments. (Rev. 194 & 2 5 12 2 Bl. 183 Conc. 2)
Bill, 24 1. 2 5 12 6. 8 8 24. 10.

But trees growing on another land, (Rev.
listers go to the ext. - all less, and stock retaining
in them. In same
reason for trees, &c. by ye. they are second
from ye plot held in such ca. (Rev. 193, 8 8 29.
5 8.

Such things (shattels in themselves), as are
showed offered to ye, &c. et al. to return in out
and without diminishing or damaging of belong
to, 8 8 21. 8 8 31. &c. (Rev. 193 & 2 5 12 2 Bl. 183 Conc. 2
2 5 12 8 8 12.) 8 8 24. 10. 8 8 23. 2 2 18. 4 4 Bl. 25 10.
As between lesser & lesser—any thing answerable by ye latter, for ye kindness of his trade, he may se
in, being for the int. if he can do so, without
saying 17.

And modern policy has favoured ye right
of suavem aeqn. Exit 15. 3 East, 35.

But ancient contracts of former owners of a
house, the not fastened—a tombstone in a church

So of a few in a church—by immortal

age. 17. 3 East, 35.
The text in the image is not legible.
What things being to them, to 

London.

A nurse must work for six months (or, if it is found 

Note on 31st July, that on 31st January, 1864, the service has not been resumed, and therefore the amount due, if any, may be claimed from Harrow."

Fell. 234. 21. 84. 41. 6. 25. 42. 35. 40."

The sum was not paid, but it is understood that the amount of the debt is still outstanding.

Such a gift may be made to the person's wife, or any person who absolutely and the bonds

Fell. 233. 11. 66. 44. 73. 35."

There must be the strictest regard to what is put on

and the wife's life. Otherwise, if the

living?

What is sometimes called

as of a jurisdiction, &c. His of a consanguine

The place where

the possession containing the debt, after the debt, as in right of the

property.

(43.)

The sum is paid in full. The amount of the debt is still outstanding.

Fell. 234. 21. 84. 41. 6. 25. 42. 35. 40."

On the 31st July, the debt is still outstanding.

Fell. 234. 21. 84. 41. 6. 25. 42. 35. 40."

On the 31st July, the debt is still outstanding.
Ex. 1. sine.

What things belong to them—a rest to him.

So of lands, cities, books, &c.

(Tott. 234, 5; R. W. 442, 1. N. 355. 2. N. 358. 2. N. 442. 4. N. 418. 6.)

Hand, heart, &c. of city, book, estate, &c. of which, they

being considered only as of one &c. (Tott. 254, 3. N. 355. 2. N. 442, 4. N. 418. 6.) not, contributing them, against

in them.

A delin. security refers to it, to rest, &c. (Tott. 234, 5. N. 442. 4. N. 418. 6.)

A delin. security, as a symbol, or a gift of another party.

(Tott. 235, 2. N. 442. 4. N. 418. 6.)

If it is not a delin. within a

355. to itself, or of yr. mean. or projecting yr.

Hand, heart, a gift by law, &c. (Tott. 235, 2. N. 442, 4. N. 418. 6.)

A present absolute gift cannot ensue, as a con. of

yr. kind. (Tott. 235, 2. N. 442. 4. N. 418. 6.)

A delin. of a draft on a banker, in fact, it was for

others meaning. (Tott. 235, 2. N. 442. 4. N. 418. 6.)

1. Whether delin. of a mortgage and may ensue a

donation of yr. mortgage, &c. (Tott. 235, 2. N. 358. 2. N. 442. 4. N. 418. 6.)

It being only delin. (security)

A gift of yr. kind becomes absolute, on donor's

death. (Tott. 235, 2. N. 442. 4. N. 358.)

It need not, therefore, be proved, as part of

yr. donor's will; but 358. (open to it, is not uneasy.

(Tott. 235, 2. N. 442. 4. N. 418. 6.)

But it will not prevail, on a deficiency of

effect) ag. &c. (Tott. 235, 2. N. 514. 2. N. 418. 6.)
How a debt may become due.

What things belong to them - a not.

Ex. 3. & J. 5.

If the maker were dead, at the time of his death, or in the event of his death, or in consequence of it, the next of kin, or those designated by his last will, or as otherwise as the law may, or as otherwise as the law may, and is deemed to be of eviden-

y. Comment the necessity of the determination of the time when a debt becomes due.

Hence, testa's creditor cannot take it on ex. 3. 4.


So, if on the advancement of his own money in case of the effect, he may select any of his particular effect of the testator as a companion, then making it his own, provided it is taken at an advance to price. 239. Off. Ex. 39. Dep. 17. & Plowd. 185.

And if it be due, due to ex. 3. 4. from testa, amount to the full value of all its effects, they become his own, by the law of LLC. For he cannot take up his goods of LLC, as he cannot sue himself. 239. Off. 295. Plowd. 185.

So, if the payment get his own money on testa's leave, & eject out of all effect of debt of them. 239. Off. Ex. 41.

So, if the keeper has the small testa's effects, 239. Off. Ex. 41.

If there are not 2. 4. 5. they are regarded as one suit, & have a suitor in the multitude that may sit, & are of suit. 239. Off. 454. Com. R. St. B. 245. 5.
Legacy:

A legacy is a bequest or gift of personal property, by will, to all persons are capable of being legatees with some special exceptions, at the law, by Natick. Tell 329 off 121 B. 871 281. B. 911.

A legacy may take, as lega-

or, from the husband 121 B. 871 281. Tell 329. Any legacy does not take effect, tell 23511, determined by his death.

A child in ventre sa mere may be a legatee. Tell 329. 1 B. 21. 72. 10. 115 23511, 329 3. Being in the property, most other purposes.
Logans are of two kinds: General and Specific. 

1. When the term estate is used, as in "property," it is the general estate, as distinguished from the specific estate. A specific estate is one described or definite, such as a house, a piece of land, or a horse. (2 B. C. Ch. 119. Tol. 302.)

2. When a chattel of a certain species is bequeathed, without designating any one in particular, the same rule is applicable to it. A legacy of a general nature, such as "$50," is a general pecuniary legacy. (12 Will. 367. Tol. 302.)

Courts are generally reluctant to construe legacies as specific, yet if the intention is clear to give a specific legacy, it must take effect as such. (16 Cl. 301. Tol. 302.)

And even a pecuniary legacy may, under certain circumstances, be specific. (C. 105. Tol. 301. re 16 R 50. Tol. 301. P. 140. 15 800 at 2. 584.)
A legacy, whether given, or bequeathed, creates but no immediate interest. The same holds if the legacy be given to the person of or at the age at which, or upon which the annuity will be due. (2 Pet. 2:20. 2 Thess. 3:6. 1 Tim. 6:1. 1 Cor. 16:2. 1 Pet. 4:8. 1 Thess. 5:23. Gal. 6:10.) But these cases are not consistent, nor would it be attainable at any age.

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If the estate prove insufficient, the legatee (or the estate) may be entitled to receive the amount of the deficiency. The estate may prove insufficient upon the death of the legatee, or upon the death of the legatee. (2 Pet. 2:20. 2 Thess. 3:6. 1 Tim. 6:1. 1 Cor. 16:2. 1 Pet. 4:8. 1 Thess. 5:23. Gal. 6:10.) But these cases are not consistent, nor would it be attainable at any age.

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The rule is the same, though the testator may have directed the legatee to take the property in the testamentary draft. If it was otherwise, the testator's right to such direction is lost.

Yet before the Court shall give its direction, the testator must be present to give its representation. (Off. 29-2 Code 360-8)

If a testator, by will, releases a debt due to the executor, it passes to the estate. If any estate is left undivided, the testator's right to the estate is in variance for a legacy, even that right.

If 10 ch. 632, in ch. 66, 63, 8, 37, 83, 5, 560.

The 50 is no subsistence form, a condition to a legacy. An estate may be subject to a condition, not a part of a legacy. A testamentary condition is always sufficient. (1) 160, 28 Code 368, 847.

This estate may be in lieu of form, words, or not. (2) 28, 29, 8, 360-8 50 Code. 83, 82, 83, 5.

The condition to a legacy is not the legatee's property, unless he elects to accept it.

If a testator's residue is a legacy, a condition is not contained. (2) 28, 29, 8, 360-8 50 Code. 368, 723.

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About the statute in a court of libel

black, white, and yellow.
The page contains a handwritten document with several paragraphs and notes. The handwriting is legible, though the text is written in cursive style. The content appears to be a legal or financial document, possibly relating to land or property. There are references to dates, amounts, and legal terms, indicating that this may be a record of a transaction or a legal agreement.

The text includes mentions of specific dates (e.g., "Nov. 1, 1730"); amounts (e.g., "£500.00"); and places (e.g., "in the County of Sussex"). There are also references to legal processes and requirements, such as "subject to the provisions of the Act of Parliament.

The handwriting includes symbols and abbreviations typical of such documents, which may require decoding for full understanding.

Overall, the document appears to be a formal and official record, likely related to a legal or financial matter.
As to the great distinction between ye effect of noe
contract, being ye const. or act. Cont. on. & Res. 42.

If a const. presc. wh is not imprescriptible, be
determined to a legacy, yet legacy must ye const.

If a presc. const. become imprescriptible by act
of God - not legit. - or if it be constitution - a re-
peal by const. or

By ye. civ. law, ye const. in all ye above
cases, is void, ye legacy good. Res. 43.

A const. by ye. const. law of such const. an void.
log. ye legacy is absolute (as in const.) - for being
vested such const. cannot devest, or defeat by Res.
42. Co. L. 200 b.

A const. ye. legate. shall not diest. ye will,
be const. only in reason, so if there is pr.
the cause of contesting ye will, in an attempt to
set it aside, does not ye fact ye legacy (Res. 49.
2 Vern. 40. 1 Atk. 404. 3 P. L. 544. 1 Bro. Ch. 107.
y. const. const.

Hitherto, ye legacy is vested over, on behalf of
ye const. ye. const. of a third from an intesta-
nee, (Res. 49. & B. L. 20.

In certain. All const. be certain of marriage, are by ye
const. law void, (Res. 50.

And all leg. (having a testament) must
(by law) in ye. const. law, be const. or act. Const. 51.

(No attempt to mention, so as to hear all const.
vested, since 1799. Res. 52. 1 Atk. 191. 1 Atk. 830. 1 Atk. 574.

To that extent shall not many - at present extent of the
and yeas do hold, whether ye

conditio subjiciit a pecunia

But where ye curte require want hath

county to ye subject or without consent

may take place, it is ye legacy, etc.

But county requiring means or some

place or person are liable, ex. not to many

21. or not to many at such a place — or such a

person — or to many a particular person, it is

good ch. 51. 2 Br. & C. 172. 15 Nov. 20.

And county requiring let us enter, how

many is at all, is valid — because of that

his family may have in his remaining unn

married ch. 51. God. ch. 45.

But in those lots of county requiring mean

you? (legiti is not the sub scribe) — if it be

gamy is quitted, or non-compliance, feet of

city holds ye county valid — yet non-compliance

justices ch. 52. 2 Br. & Ch. 357. 452. 2 Br. & Ch. 67.

1 Bro. ch. 353. 2 id. 431. — Cont. 2 id. 374.

Rule of civil law, contra (ch. 52)

So, the ye residue (not ye part) legacy is the

given over, ch. 55. 1 Eg. ch. 112. 2 Bro. ch. 431. 463.

— Cont. 2 id. 373. 3 id. 364

But ye only, making conditio the restant of

main voice hold only the call, into ye subject

as it, if have jurisprudence, i.e. call, including, or

it personally only. Hence, where, however, are

charged in county real estate, they may fail, etc.

be such conditio, whether the same is all, or part.

validly clear, remunerable (chop. 55 & chol. ch. 357.

3 id. 353. 1 Will. & Son. id. 208.)
In such cases the money due to be paid to the estate of the deceased may be divided between the heirs. The division of a testate estate, Folio 314, Col. 244-243, p.

1.5, Col. 244, 4th line of page.

Where a tenant in common is deceased, the property divided becomes personal to the heirs, the devisee in fee being a tenant in common.

Said to be true, in answer to a question raised.

If an executor leaves a will, the property to be divided among the children of his testator, an obviously unreasonable division may be declared in, e.g., Folio 314, Nunc. 2, 21. 572, 21, 11, 31, 20.

As if it were not the right of the court to divide as a testator may, Folio 324, 2, 21, 464, 2, 21, 464.

In such cases the tenants may make a valid tenancy, but it takes effect in and of each share as a distinct tenancy, etc.
A motion was made to adopt a resolution for the
purpose of securing the rights of the farmers and
merchants of the county. The motion was seconded
and carried. The resolution was as follows:

Sec. 1. That it is expedient that the county
authority be empowered to levy a tax on
the taxable property in the county, to be
used for the support of the schools and
other public charities.

Sec. 2. That the tax shall be apportioned
among the several townships in proportion
to the number of children in each township.

Sec. 3. That the tax shall be collected
annually, and the proceeds shall be
appropriated to the above-mentioned
purposes.

In testimony whereof, the Board of
Commissioners of said county do sign their
names this 1st day of January, A.D. 1854.

John Smith, Chairman
Sam Brown, Commissioner
James White, Commissioner
In the case of situations that do not clearly

must govern. But on your what kind. The
of such intent, neither are not all.

able. Foll. 330

and inquiry.

action taken, Ed. 2


But if, assigned to where you begin, with a

specific chart, by that, given you, of

it has to vary it from it description in your

of begin it assumed. Intent preserved to

be changed. Ex. A gold chain, promotion,

not a high wool, changed into cloth with

doth made into a garment. Foll. 332

3. Foll. 166.

L. Definition of blank stock and the


At this point setting it stock be again

as part in

desire of less quantity, assuming to

date description of dies. Premotion first

raised, its then, rebuffed Foll. 333. Foll. 225.

As the earth, 374th, pregnant and non-stock.

If part of its stock began the retail

old his title, for an absorption nonexistent

Foll. 333. Foll. 225.

Of on a debt long, that, after receiving

Foll. 224.

a dividend, when debt is burned, Foll. 774.
Ages can be calculated, i.e., the age of a child will be the age of the child in years, months, weeks, and days. The second generation in a particular case, as described in the text, follows the same general principle. (Toll 336, 1st Part, 3rd Ed.)

Given that the age of any thing is calculated from the time of its birth, the following formula is given:  

\[ \text{Age} = \text{Current Year} - \text{Year of Birth} \]

Thus, if unequal quantities are given in different parts of a single instance, as first shown at 323, then they are considered as different in nature. (Toll 335, 1st Part, 3rd Ed.)

Given that a certain quantity is increased by a definite percentage in each subsequent period, the following formula is given:  

\[ \text{New Quantity} = \text{Old Quantity} \times (1 + \text{Percentage Increase}) \]

These distinctions are found when the subject matter is tested.

The formula for cumulative, as both events appear, from one's life, to be for the same cause, while given by one's name, is by itself in time. (Toll 335, 1st Part, 3rd Ed.)

By which a particular cause, as described in both, is of some in both, 15:1, of time in both, 15:1.
Cumulation

To which second codicil applicable
into a deed for former one at an additional
legacy. (Foot, 326. & 416. 423.

First which I have instruction, by in
then for some specific purpose—a, where no
reason is assigned for us profit and then
for the second (Sez), to make it are cumulat.

As to subject matter.

If both are not distinct persons, as
of one of a device or any of the other of an
annuity. (Foot, 325. & 423. 1767. 1. 402

And especially it is absolutely a true
testator's intention only being so that take both,
only one. (Foot, 335. & 420. 1767. 23. 424
—What was the principle? To which apply? By Foot, long
answer the equally, in 7th time).

In practice, in some cases a legacy by a debtor to
be creditors, is regarded as an intended
satisfaction of that debt. In the other, not. Any
point also of testator's intention must given
(Foot, 335 & 32. 175. 354. 2. 307. 332.

Let us say, if a legacy this given, if equal to
the amount in greater, yet debt is satisfied as a satis-
faction of it. (Foot, 327. 1767. 406. 1. 32. 2. 1767. 1. 557.
32. & 358. 119. 126. 12. 1767. 557.

This is a rule of construction—but in many
many case of device not apply. (Foot, 327. 1767. 406. 1.
As if ye legatary apparaent not equally bene-


due, ye debt in some one respect. There

may be a more or less another, Ex. Guter

trust, last time of payent, Later, Soll. 337. 8

Rev. 235. Term. 478. 2 Att. 398. 2 Rev. 29. 245

Foll. 132. 2 Term. 535. 1 Att. 409. 2 324. 2 572

514.

As in debt was due, if ye were ever

being rec. ye balance not mentioned, Soll.

235. 1 413. 99.

As if ye will was made before ye debt was

contracted, and was not have been made in ye

letters, conteration, Soll. 538. 2 Foll. 332. 2

Rev. 576. Term. 492. 2 349. 3 312.

And found declar'd of letters same debt.

It making ye will may be prove, to ye

but ye presumption of an intention of

yest. thing will till old a thin

of evidence. Soll. 338. Rev. 572. 2 Foll. 312

Rev. 357. Col. East. of purpose old a thin of evidences

easy.
must have been present, and medical be
examined and recorded. But it is not said if
a letter from the same to the sheriff or
other person, or in any other way, be
made.

Furthermore, if evidence of a debt be not
found, the sheriff, or other person, may be
required to swear that he has not heard of
any debt.

In order to declare that a debt exists, it
shall be necessary for the person to
exhibit a writing, or other proof, of the
debt, and the amount due. The sheriff may
require the debtor to produce evidence
in writing, or otherwise, of the debt.

In this case, a deed or other written
instrument, or the amount due shall be
stated.

The sheriff shall receive the debt, and
shall be responsible for its collection.

If the object be to declare the debt, the
debtor shall be required to swear and
produce evidence of the debt and the
amount due. The sheriff may require the
debtor to produce evidence in writing,
or otherwise, of the debt.

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And idea of a deficiency of goods, in the
payment of debts, or of specific legacies.

The specific legacies, as they, or in part, are deficient, as if, in part,
needed for debts, if legacies above among them.

Said to decrease the number of goods, in the
payment of debts, or of specific legacies.
The debt of particular legacies being settled, the residuary must be paid, if any, out of the income of the legacy. (Ctts. 342, 2 Bl. 81.)

2. 1st. It is to be noted that the residuary debt of any legacy must be paid, if any, out of the income of the legacy. (Ctts. 342, 2 Bl. 81.)
The subject is not clearly visible in the document.
Exk. 2. 36. No. II.

In the New of his April the new legacies
were to be new items. For of last reason, fol. 234,

This sort may be exp. a simple bly rep.
and can not, fol. 244, fol. 245, fol. 245.

Ex. By accepting a sort transferred after the first
year it counts. By writing, a decision that
a vessel of 15 Kgs. have been given him by virtue
of a particular interest, by your part, of 15 to his
conse. fol. 225, fol. 225, fol. 225, fol. 225.

By the transfer, and a sort annulled to
begone by paying a sum, say, the price:
fol. 225, fol. 225.

And an agent to take part of ye. only
money debited on an agent is to the 4th inst. fol.
225, fol. 225.

But if an int. being legacies, leave of phy.
by ye name of 25 of them. It a claim on a paper.
day 125, fol. 125, fol. 125, fol. 125.

If given expressly for his care & timely
must act, or to manifest his intention, fol.
225, before 212, 212. 212. 212.

And an int. being legacies, has no benefit
of the legatees of 212. 212.

The former duty relating to a statement
for the fulfillment of legacies, held, and will act a legatee who
in acceptance is also exp. as a. if other legatee, fol. 212, 212.
(Continued in No. II.)