

commissary, not exceeding five per cent, on any one man's estate: but this allowance must in no wise be made on slender grounds, much less unasked for, or adopted for a general rule in every case.

Testators frequently bequeath a legacy to their executors, expressing it to be *for a compensation of their trouble*, such a bequest excludes their claiming the commission of ten per cent. or any other.

No commission to an executor with a legacy.

In cases where there are no known relations of the intestate, or representatives legally entitled to the residue, the administrator is directed by our acts of assembly to pay the balance into the hands of the visitors of the publick school of that county, wherein the deceased resided, for which he is allowed a salary of ten per cent. if paid in current money, but only five per cent. if paid in specie.

Allowance where the residue goes to the free-school.

The costs expended by an executor or administrator in a suit against him as such, must in no case be allowed, unless he produces a certificate from the court where the action was brought, that he had probable cause for withstanding such suit. Nor is interest allowable to any executor or administrator, on bonds due from

No costs allowable in certain cases.

Nor interest on bond, after twelve