

Balances. the following words, "*representatives not known to the office*," whereupon the justices of the county courts oblige the administrator to enter into bond, with sufficient sureties, for securing the payment of the *gross* sum appearing due on such balance, to the legal representatives of the deceased, *in general*, without particularizing their names or number.

And altho' conformable to the practice of England, the balances of intestates estates, only, are particularly ordered to be transmitted by our acts of assembly, yet, by construction of those acts, it appears to be the intent of the legislature (notwithstanding the act in 1715, which says "that the judge for probate of wills, shall transmit an *account of the legacies* left to any infant orphan") that balances with distribution should be sent out, as well in the case of wills, as of intestacies; and so the practice hath ever been, and still continues to be.

The commissary-general then, every three months, makes distribution of the surplusage of every estate finally accounted for; the surplusage is, or ought to be, the balance appearing due on the face of every account, returned as *final*, by the several deputy commissaries; from this balance, legacies bequeathed are deducted,