

the produce for died, is reckoned a privileged debt Vide y^r
 1628 Gullic contra Guthrie upon the account of the said
 lord's fly, p^othick. 29^o Servants fees for a year or term accord
 as they were lived are Indulged, as a privileged debt 16 Decemb^r
 1674 L. Helhead contra Brown and others 4 June 1677 Str. om
 contra Anderson 25 Novemb^r. 1680 Franck contra Hutton
 Str. lib. 3 f^o 8 & 64 Infins & 572 lib. 4 f^o 32 & 3. N. Lewis
 Just. lib. 3 f^o 9. 521. Partly because Generally speaking
 these are but a small Matter, and Indigent servants of De
 ceased Masters, would be Rendered Miserable and want pre
 sent Subsistence, Partly, for that if it were other ways serv
 ants would desert their Masters on death, and in their
 extremity when they stood most in need of services But see
 John Nibbel offered a wife whose special found that after
 death is not for his fees privileged and preferable to
 other Creditors 24 Novemb^r. 1675 Elies contra Hall and
 others. Aliment of the family of the Deceased till the next
 term after his death, is no privileged debt, but only a com
 mon debt without any preference to others 23 Feb. 1714 G
 and others contra G. & C. The Commissioners of Edu
 cation formerly to sustain such Aliment as a pref
 erable and privileged debt. Nor doth a Widow enjoy any
 preference for a personal provision in her Contract of
 Marriage, after her Husband's other personal Creditors,
 but according to the priority of her Diligence. I trust
 the debt being provided in her Contract of Marriage
 to the behoof of the household plentifully belonging to
 husband the time of his death, without the burden of
 debts; the said household plentifully was found to have
 been in Dominio of the husband, and therefore the
 debt is no preference in the Confirmation of his testamen
 to his other Creditors for that Subject. Referring to
 her action against the heir in so far as she should
 want payment of the value of the plentifully pro
 vided to her, by the Creditors affecting the same by
 their Diligence 25 June 1714 Forbes contra G. & C.
 Because notwithstanding of such a Disposition, the
 Goods might have been alienated by the husband, or
 arrested and p^onded by his Creditors during his
 life; and so remained in Bond quiet to be affected by
 his Creditors after his death according to their
 Diligence. s. v. d. Supra pag. 1377, 1378. 1542.

By the Law of England, an Executor or Administrator
 is obliged at his Death in the payment of debts of the
 Deceased to observe this established order and Rank among
 Creditors. After the Charge of the funeral, opposition
 by a Caveat, and the probate of the Testament, debts due
 to the Crown are to have the first place of precedence.
 Next to the debts of the Crown are Judge mens debts.
 Recovered against the Testator in a court of Record, to
 have priority or precedence in payment, as being of a
 higher Nature or more Dignity than any other debt
 next unto debts by Judgement are those of Recognition
 or Statute Staple or Statute Merchants to be regarded
 by the Executor or Administrator. Which Statutes are
 Recognizances; altho they make debts upon Record, yet
 they are Accounted to be of a lower Nature and less Dignity
 than Judgements, because they are begotten and by their
 own Consent of parties; whereas in every Judgement there
 hath been a course and work of Justice against the Will
 of the Defendant as if presuming, and this in a Court of
 Justice, and the Record of such Judgements are entered
 in publick Rolls. The debts which are to be Discharged in
 the next place, are those which are due by Specialty or
 obligation, and in the last place come the debts without
 Specialty or Writing. The Executor or Administrator offer
 ving this order established by law among the Creditors
 for the preference of their several debts, may pay what
 Creditors he pleases first, Swinburn of Wills part 6 § 16
 Wentworths office of an executor Chap. 12.

Creditors of the Deceased cannot in a pursuit against
 Executors prove their debts by the oaths of the executors;
 or by holding them ad Confesso, to the prejudice of other
 Creditors or Legatees or of the Relief Children or other
 Heirs of kin 6 March 1627 Scot contra Cockburne
 Year an executors Oath was found not sufficient to
 prove against his daughter in his family who was
 a Legatee, because the Oath of the Executor who is not
 a party, is but the Testimony of one Witness; but the
 daughter being after wards come to Age and Marriage
 she and her husband were ordained to Depone whether
 they knew the point in Question affirmed by the father's
 Oath to be true, and the fathers Oath to be produced to