

T E S T A M E N T A R Y S Y S T E M .

had been originally granted; and in no case shall the executor of an executor be entitled, as executor, to administration *de bonis non* of the first deceased; and the letters, bond and oath, of an administrator *de bonis non*, shall be in the form herein before directed, except that the words "not already administered" shall be added in the proper places.

7. The qualifications of an administrator or administratrix; shall, in all respects, be the same as those of an executor; and the proceedings, to exclude such as *prima facie* appear entitled to the administration of the estate of an intestate, shall in all respects be the same as herein before directed for excluding any person named in a will as executor or executrix; provided that it shall not be necessary so to proceed in case the party be out of the state, or in case of administration to be granted to any except relations, or to collateral relations, more remote than brothers or sisters of the intestate; and no relations, except a widow, child, grand-child, father, brother, sister or mother, shall be considered as entitled, unless he or she shall apply for the same.

8. If the intestate be a married woman, it shall not as heretofore be necessary for her husband to take out letters of administration; but all her *choses in action* shall devolve upon her husband, in the same manner as if he had taken out such letters; provided, that if he shall not, in his life-time, reduce the said *choses in action* into possession, or obtain judgment thereon, the said *choses in action* shall devolve on her representatives, and administration may be granted accordingly.

9. And hereafter a husband, bringing a personal action to recover in right of his wife, either before or after her death, may declare specially, setting forth, in the usual manner, how the debt or right accrued to his wife, and stating further, that by marriage the debt or right hath on him devolved.

10. If the intestate leave a widow, and a child or children, administration, at discretion of the court, shall be granted either to the widow or child, or one of the children.

11. If there be a widow, and no child, the widow shall be preferred; and next to the widow, or children, a grand-child shall be preferred.

12. If there be neither widow, nor child nor grand-child, the father shall be preferred.

13. If there be neither widow, nor child, nor grand-child nor father, brothers and sisters shall be preferred; and next to brothers and sisters; the mother shall be preferred.

14. If there be neither widow, nor child nor grand-child, nor father nor brother, nor sister nor mother, the next of kin shall be preferred.

15. Males shall be preferred to females in equal degree of kin, and the elder shall be preferred to the younger.

16. Relations of the whole blood shall be preferred to those of the half blood in equal degree, and relations of the half blood shall be preferred to relations of the whole blood in a remoter degree.

17. Relations descending shall be preferred to relations ascending in the collateral line; that is to say, (for example,) a nephew shall be preferred to an uncle.

18. None shall be preferred in the ascending line beyond a father or mother, or in the descending line below a grand-child.

19. A female sole shall be preferred to a married woman in equal degree.

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