

What is to be observed previous to the taking of letters. once intermeddled, by selling goods, receiving debts &c. he may at any time thereafter be compelled to accept the executorship, or administration. A person so intermeddling without an intent to administer, makes himself, what the law calls, *an executor in his own wrong*, and is by statute 30 Car. 2. Cap. 1. liable to the joint suit of the rightful administrator, and of every creditor of the deceased; altho' he himself cannot sue others as executor, or administrator.

But if, after mature deliberation, the executor resolves to undertake the execution of the testament, he ought previously to inform himself, if the deceased was executor to another; if he be found that he was either *sole*, or surviving executor to another person, then this executor shall also be executor to the first testator, as well as to the second; but if the testator had been joint executor with others, one whereof did survive him, in that case, such surviving executor continues solely in the office of executor to the first testator.

As an executor to the first testator, he is to finish the administration begun by the former executor; and hath in general, the same power and interest vested in him, as the first executor would have enjoyed, were he living.