

If the testator was only administrator to another, there the executor does not interfere, but must deliver up the balance of the first estate, to such persons as shall be legally appointed to receive the same. The *administrator* of a person dying intestate, who was executor to another, is in the same case; and does not succeed to such executorship.

What is to be observed previous to the taking of letters.

Having thus satisfied themselves in these particulars, the first thing the executor must do, is, to cause the will to be proved, that is, he is to repair with his testator's will, either before the commissary general, or before his deputy for the county whereof such deceased person was a resident, together with the several subscribing witnesses to such will, or such of them as he can procure, and there take the probate prescribed in page 65, prove the execution of the will by the oaths of the witnesses thereto, as in page 66, take out letters testamentary, and give security for the faithful discharge of his trust.

Observations, at the time of taking letters.

When the widow of the deceased hath legacies left her by the will in lieu of her thirds, or dower of his estate, she is to consider whether to abide by such bequest, or devise, or to renounce, and claim her thirds, or dower; for

Directions, with regard to the widows thirds.