

Before this statute, there was no direct law compelling the ordinary to pay the debts of intestates; but, after making it, the ordinaries were to be sued, as executors were before, and a writ was framed for the purpose. Reg. 141. F. N. B. 130.

Defect of the  
above act.

This statute was defective in subjecting the ordinary to suits, without giving him a remedy to recover debts due to intestates, and the ordinary being answerable only for the value of the goods, which actually came to his possession, so much of the intestate's estate, as was outstanding, made no part of the fund, out of which the creditors of intestates were to be paid.

Stat. 31st.  
Edward 3d.  
first directing  
administration to be  
granted.

By the statute 31st. Edward 3d. cap. 11.  
“ where a man dieth intestate, the ordinary  
“ shall depute the next, and most lawful friends  
“ of the deceased, to administer his goods.”

Before this statute, the ordinary was not compellable to grant administration; but by this act he is commanded, and thereby compellable to grant it to the next, and most lawful friends, 9 Co. Rep. 40.—By this statute the name *Administrator*, was first introduced. Lex. Test. 13.

By