

By the statute of the 21st. Henry 8th. cap. 5. Stat. 21 Hen-
ry 8, c. 5
power of the
ordinary in
granting ad-
ministration.

“ In case any person die intestate, or the ex-
 “ ecutors named in any testament refuse to
 “ prove the said testament, then the ordinary
 “ or other person having authority to take pro-
 “ bate of testaments, shall grant the admini-
 “ stration of the goods of the testator, or person
 “ deceased, to the widow of the same person
 “ deceased, or to the next of his kin, or to
 “ both, as by the discretion of the same ordi-
 “ nary shall be thought good; and in case
 “ where divers persons claim the administration
 “ as next of kin, which be equal in degree of
 “ kindred to the testator, or person deceased;
 “ and where any person only desireth the ad-
 “ ministration as next of kin, where indeed
 “ divers persons be in equality of kindred; in
 “ every such case, the ordinary to be at his
 “ election and liberty, to accept any one or
 “ more making request, where divers do re-
 “ quire administration; or where but one, or
 “ more of them, and not all being in equality
 “ of degree, do make request, then the ordina-
 “ ry to admit the widow, and him or them on-
 “ ly making request, or any one of them, at
 “ his pleasure.”

The subsequent statutes relative to this sub-
 ject, belong more properly to the head of *distrib-*
ution; which see.