

after a convenient time given him for deliberation, he neglects or refuses to take out letters testamentary thereon, or doth not appear upon being legally summoned, then, and in such case, letters of common administration, with a copy of the deceased's will thereto annexed, (vide appendix No. 5) must be granted to such person or persons, as would have been entitled to the administration had the deceased appointed no executor at all in his will. But if the executor determines to take upon him the execution of the testament, then letters testamentary (vide appendix No. 4) must issue to such person as executor to the deceased, on his executing the bond, sub. No. 4, and taking the following oath, to wit.

Letters testamentary granted.

Oath of an executor.

*You N. N. executor of the last will and testament of A. B. late of ——— county deceased, make oath, &c. that you will well and truly administer the goods and chattels, rights and credits of the said A. B. according to the true intent and meaning of the testator in his said testament expressed, that you will render a true and perfect inventory of all and singular the goods of the deceased, which shall come to your hands or possession, and that you will give a just account of your administration, when thereto you shall be lawfully called. So help you God.*

When