

34. If letters of administration are to be granted, with a copy of the will annexed, and there be a residuary legatee or legatees in such will, he or they shall be preferred to all except a widow, and it shall be incumbent on the court to proceed in the manner directed by law with respect to executors within the State, before administration shall be granted to any other person; and a male residuary legatee shall be preferred to a female.

35. No administration shall be granted to any judge of the Orphans' Court, or of the Circuit Court, or Register of Wills of the county where he is judge or register, unless he be next of kin or largest creditor.

36. If administration shall be granted and a will for the disposition of the personal estate of the deceased, shall afterwards be proved according to law, and an executor named therein shall apply for letters testamentary within thirty days thereafter, and shall be capable, and shall execute a bond as herein directed, letters testamentary shall be accordingly granted to him, and the same shall be construed as a revocation of the letters of administration.

37. All acts done by any executor or administrator according to law, before any actual or implied revocation of his letters, shall be valid and effectual, and the executor or administrator obtaining letters after a revocation, shall thereby be authorized to prosecute any actions at law or equity, commenced by the former executor or administrator, and obtain judgment in his own name, and likewise to defend any suit commenced against the former executor or administrator, and the new executor or administrator shall have the benefit of all judgments obtained by the former executor or administrator, and shall be bound by all judgments obtained against him, unless the same shall be shown to have been obtained by fraud and set aside by the court, in which the judgment was rendered upon such suggestion of fraud, either upon examination in a summary way into the fact, or by directing an issue to try the same, or unless the executor or administrator shall show to the court that there are good grounds to open the judgment, in which case the court shall open the judgment for future litigation, and with respect to the allowance of costs, all such executors and administrators shall be on the same footing as if letters testamentary or of administration had not been granted, and the same rules in making such executor or administrator plaintiff or defendant, shall be