

court, giving preference, however, to the person entitled, if he shall actually apply for the same; and the form of the letters shall be as hereinbefore directed, except that the words "not already administered" be added in their proper place; and the authority conferred thereby shall be to administer all things herein described as assets, not converted into money and not distributed and delivered or retained by the executor or former administrator, under the court's direction.

71. In no case shall the executor of an executor be entitled as executor to administration de bonis non of the first deceased.

72. The court shall, on the application of an administrator de bonis non, order the administrator of a deceased administrator to deliver over to him all the bonds, notes, accounts and evidences of debt which the deceased administrator may have taken, received, or had as administrator, at the time of his death, and also to pay over to him the money in his hands as such, on or before a certain day; and upon proof of the service of such order and the neglect or refusal of the administrator to comply therewith by the time therein specified, the court may order the bond of the deceased administrator, or of the administrator so refusing, or both of them, to be put in suit by the administrator de bonis non.

73. The administrator of the deceased administrator shall return upon oath to the court on or before the day named in the order aforesaid, a list of the notes, bonds, accounts and money aforesaid, as far as he can ascertain the same; and they shall, when collected, or the money paid over to him, be assets in the hands of the administrator de bonis non, to be accounted for by him as such.

74. If the administrator of a deceased administrator shall return such list, he shall be entitled to retain out of the money, bonds, notes and accounts, such commission as the court shall, in their discretion, allow, not exceeding *ten per cent.* on the principal inventory, to be accounted for by him in the settlement of the estate of his decedent. And if he refuse or neglect to return such list, no deduction shall be made on account of such commission from the damages to be recovered by the administrator de bonis non; but he shall be bound to account for the commission, so lost by his default, in the settlement of his decedent's estate, or his bond shall be liable to be sued therefor.