

5. And in all cases where letters testamentary shall be granted as aforesaid, it shall be the duty of the administrators to exhibit to the orphans court their accounts, without delay, and to deliver to the executor on demand, all the goods, chattels, and personal estate, in their possession, belonging to the deceased, and on failure, their administration bonds shall be liable to be put in suit by the executors, or the executors may obtain an order for the purpose.

6. In case any executor, executrix, administrator or administratrix, shall die before the estate shall be fully administered, letters of administration *de bonis non* shall be granted to the person entitled agreeably to the rules herein before laid down, and the proceedings shall in all respects be the same as if a administration had been originally granted; and in no case shall the executor or an executor be entitled, as executor, to a administration *de bonis non* of the first deceased; and the letters, bond and oath, of an administrator *de bonis non*, shall be in the form herein before directed, except that the words "not already administered," shall be added in the proper places.

7. The qualification of an administrator or administratrix shall, in all respects, be the same as those of an executor; and the proceedings, to exclude such as *prima facie* appear entitled to the administration of the estate of an intestate, shall in all respects be the same as herein before directed for excluding any person named in a will as executor or executrix, provide that it shall not be necessary to proceed, in case the party be out of the state, or in case of administration to be granted to any, except relations, or to collateral relations, more remote than brothers or sisters of the intestate; and no relations, except a widow, child, grand child, father, brother, sister or mother, shall be considered as entitled, unless he or she shall apply for the same.

8. If the intestate be a married woman, it shall not as heretofore be necessary for her husband to take out letters of administration, but all her choses in action shall devolve upon her husband, in the same manner as if he had taken out such letters; provided, that if he shall die, in his life-time, reduce the said choses in action into possession, or obtain judgment thereon, the said choses in action shall devolve on her representative, and administration may be granted accordingly.

9. And hereafter a husband, bringing a personal action to recover in right of his wife, either before or after her death, may declare specially, setting forth, in the usual manner, how the debt or right accrued to his wife, and stating further, that by marriage the debt or right hath on him devolved.

10. If the intestate leave a widow, and a child or children, administration, at discretion of the court, shall be granted either to the widow or child, or one of the children.

11. If there be a widow, and no child, the widow shall be preferred, and next to the widow or children, a grand-child shall be preferred.

12. If there be neither widow, nor child, nor grand-child, the father shall be preferred.

13. If there be neither widow, nor child, nor grand-child, nor father, brothers and sisters shall be preferred, and next to brothers and sisters, the mother shall be preferred.

14. If there be neither widow, nor child, nor grand-child, nor father, nor brother, nor sister, nor mother, the next of kin shall be preferred.

15. Males shall be preferred to females in equal degree of kin.

16. Relations of the whole blood shall be preferred to those of the half blood in equal degree, and relations of the half blood shall be preferred to relations of the whole blood in a remoter degree.

17. Relations descending shall be preferred to relations ascending in the collateral line; that is to say, (for example,) a nephew shall be preferred to an uncle.

18. None shall be preferred in the ascending line beyond a father or mother, or in the descending line below a grand-child.

19. A female sole shall be preferred to a married woman in equal degree.

20. Where a female is entitled, administration may be granted to her and her husband, provided he be capable.

21. Relations on the side of the father shall be preferred to relations on the side of the mother in equal degree.