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ble of the same, and shall execute a bond as aforesaid, letters testamentary shall be accordingly granted, and the same shall be construed as a revocation of the letters of administration; provided nevertheless, that all acts done by any administrator or administratrix according to law, before any actual or implied revocation of the letters of administration, shall be valid and effectual; and provided, that the executor, executrix or executors, so obtaining letters testamentary, shall thereby be authorized to prosecute any actions at law or equity, commenced by the administrator, administratrix or administrators, and to obtain judgment in his, her or their own names, and likewise to defend any suit, as aforesaid, commenced against the said administrator, administratrix or administrators; and the granting letters testamentary in such case shall not be construed to affect any suit, as aforesaid, commenced against the administrator, administratrix or administrators, but the plaintiff or plaintiffs shall be allowed to prosecute the same unto judgment; nor shall the granting such letters testamentary be construed to affect any suit brought by the administrator, administratrix or administrators, but the same shall be prosecuted unto judgment, unless the executor, executrix or executors, shall come into court, and pray that the same be struck off, or discontinued; and the executor, executrix or executors, shall have the benefit of all judgments obtained by the administrator, administratrix or administrators, and shall be bound by all judgments obtained against them, unless the same shall be shewn 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 an examination in a summary manner into the fact, or by directing an issue to try the same, or unless the said executor shall shew to the court that there are good grounds to open the judgment, in which case the court shall and they are hereby authorized to open the said judgment for future litigation; and with respect to the allowance of costs, all administrators shall be on the same footing as if letters testamentary had not been granted, and the same rules in making the executor or executors plaintiffs or defendants shall be observed as are directed by the act of one thousand seven hundred and eighty-five, chapter eighty.

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 administration had been originally granted; and in no case shall the executor of an executor be entitled, as executor, to 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, provided that it shall not be necessary so 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 not, 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.

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