

administrator shall thereupon cease, and he shall be bound to deliver up, on demand, to the person obtaining such letters, all the property of the deceased in his hands, or be liable to be sued by such person on his administration bond, or the court may pass an order for the purpose.

14. If there be more than one executor or administrator named in the letters, any one or more of them, on the neglect of the rest, may return an inventory, and the executor or administrator so neglecting shall not thereafter interfere with the administration, or have any power over the personal estate of the deceased; but the executor or administrator so returning shall thereafter have the whole administration, unless, within two months after the return, the delinquent or delinquents shall assign to the court some reasonable excuse which it shall deem satisfactory.

LEASES for years, estates for the life of another person or persons, except those granted to the deceased and his heirs only, and all goods, wares, merchandise, utensils, furniture, negroes, cattle, stock, provisions, tobacco, and every kind of produce, the crop on the land of the deceased by him or her begun, unless where the lands are divided, things annexed to the free-hold or building, which may be removed without prejudice to the building, cloathing, ornaments, and every other species of personal property, (except those things which are denominated heir-looms, and the cloaths of a widow, and ornaments and jewels proper for her station, and the cloathing of the family,) shall be included in an inventory to be taken and returned as aforesaid, and shall be considered as assets in the hands of an executor or administrator.

1. EVERY executor or administrator shall, within fifteen calendar months after the date of his or her letters, return to the court which granted them a full account of his or her administration; provided nevertheless, that if the said party shall, within four calendar months after the said date, make oath, (or affirmation, as the case may require,) that he or she hath reason to apprehend, and doth apprehend, that the personal estate and assets which are or shall be in his or her hands, will be insufficient to discharge the just debts of, and claims against, the deceased, the court may, at discretion, allow a further time, not exceeding eighteen calendar months in the whole, from the said date, for returning the said account.

2. The orphans court granting the letters shall have power to make allowance to any collector, executor or administrator, for property of the deceased which hath perished, or been lost, without the fault of the party; and no profit shall be made, and no loss shall be sustained, by an executor or administrator, in the increase or decrease of the estate under his management; but the executor or administrator shall return an inventory and account for such increase, and may be allowed for such decrease, on the settlement of the final or other account.

3. In case any executor or administrator shall not have money sufficient to discharge the just debts of, and claims against, the deceased, the orphans court granting the letters shall, on his application, made after the return of an inventory, direct a sale of the whole property therein contained, or of such part, or to such amount, as the court may think proper, and the court shall direct the manner and terms of sale, provided that no credit exceeding twelve months be given, in any case, and that where credit is given, bond with security shall be taken; the court shall have power, in case it shall suspect any fraud, collusion, connivance or improper management, to affect the said sale, or that it was unreasonably made, or that the property was sold much under its value, to compel the said executor or administrator, to account for all such deficiencies as may have arisen by such executor's or administrator's misconduct, the court always observing the inventory as their rule for ascertaining such deficiency.

4. The said court shall have power to direct a sale as aforesaid, in case it shall deem a sale advantageous for the persons interested in the administration, either *ex officio*, or on application of any of the said persons.

5. Executors and administrators shall have full power and authority to commence and prosecute any personal action whatever, at law, or in equity, (as the case may require,) which the testator or intestate might have commenced and prosecuted, except actions of slander, and for injuries or torts done to the person; and they shall also be liable to be sued in any court of law or equity, (as the case may require,) in any action (except as aforesaid,) which might have been maintained against the deceased; and they shall be entitled to, or be answerable for costs, in the same manner as the deceased would have been, and they shall be allowed for the same in their accounts, provided the court awarding costs against them shall certify, that there were probable grounds for instituting, prosecuting or defending, the action on which a judgment or decree shall have been given against them.

6. In no action against an executor or administrator shall he be compelled to put in special bail.

7. As in pleading it is extremely difficult for executors and administrators, as well as the opposite parties, to guard against error or mistake, which may operate unjustly against them, in no action, brought against an executor or administrator, shall it be necessary for him to plead *plene administravit*,

CHAP. CL

CHAP. 7. Assets.

CHAP. 8. Accounts of administration, and the conduct of executors and administrators relative to paying and collecting debts.