

TESTAMENTARY SYSTEM.

from the collector the articles contained in the first inventory, or consent to be answerable for the same, in the same manner as if the said inventory had been made out after his, her or their administering upon the estate.

12. The executor or administrator shall either finish the crop on hand at the death of the deceased, or sell the same, as he shall judge the most convenient; and in case he shall not deem it convenient to finish the crop, the person entitled to the land on the death of the testator or intestate, or his or her guardian or next friend for him or her, (in case of infancy of the party,) may take the said crop at the appraisement of the appraisers as aforesaid, paying ready money, or giving bond, with good security, approved by the orphans court, for paying the money within six months; and in case the said party, or his or her guardian for him or her, shall not take the crop at an appraisement, the executor or administrator may sell the same to any other person, for ready money, or on credit as aforesaid; provided nevertheless, that he shall not sell it at less than the appraisement, without the approbation of the orphans court granting the administration, or an order, prescribing the terms, by the said court, passed as aforesaid.

13. If an executor or administrator shall not, within three months after the date of his letters, exhibit to the orphans court an inventory as aforesaid, a summons, returnable within not less than eight or more than thirty days, may, *ex officio*, or on application of a person interested, be issued against such executor or administrator, to shew cause wherefore such inventory hath not been exhibited; and if the summons be duly returned summoned, or *non est*, by the sheriff of the county wherein the party resided at the time of obtaining his letters, or of the county wherein the letters were obtained, in case the party doth not reside in the state, and if he doth not appear at the return of the summons, or appearing shall not shew cause satisfactory, the said court may immediately enter on its proceedings and record, that the said letters be revoked, and may proceed to grant other letters, in the same manner as if such executor had not been named in the will, or as if such administrators were not in existence; and the power of such executor or 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.

C H A P. VIII.

Assets.

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, and animals of every kind, not denominated *feræ naturæ*, provisions, tobacco, and every kind of produce, the crop on the land of the deceased by him or her begun, things annexed to the freehold 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.