

proceedings against each of them failing, as would authorise the issuing letters of administration in case of the failure of a sole named executor.

7. If any executor or executrix named in a will shall file, or transmit to the orphans court of the county wherein the will shall have been authenticated or proved as aforesaid, an attested renunciation in writing of his or her trust, there may be the same proceedings, with respect to granting letters testamentary or of administration, as if the party so renouncing had not been named in the will; provided nevertheless, that any executor or executrix named in a will shall be entitled, notwithstanding any failure or renunciation as aforesaid, on filing a bond as aforesaid before letters testamentary or of administration shall actually be committed to another or others as aforesaid, to have letters testamentary granted to him or her, or to be included therein, as the case may require.

8. In case letters testamentary shall be granted to one or more of the executors named in a will, on failure of the rest, no executor or executrix, not named in the said letters, shall in any manner interfere with the administration, or have any greater interest in the estate of the deceased, than if he or she had not been named in the will as executor or executrix; and if letters of administration, with a copy of the will annexed, shall be granted, no executor or executrix therein named shall in any manner interfere further with the administration, or have any greater interest in the estate aforesaid, than if he or she had not been named as aforesaid; and no executor or executrix named in a will shall, before letters testamentary shall be granted to him or her, have any power to dispose of any part of the estate of the deceased, or to interfere therewith, further than is necessary to collect and preserve the same; provided nevertheless, that any act of an executor or executrix named in a will, done before obtaining letters testamentary, shall, in case he or she shall afterwards obtain such letters, be as valid and effectual as if the said act had been done after obtaining such letters; and in case of a suit commenced by such executor or executrix, it shall be sufficient to produce the said letters, or a certificate under the seal of the office where they were obtained, that they have been granted to the party at any time before the trial or final hearing on such suit; and in any case whatever where an exhibit of such letters testamentary or of administration would be good or available, a certificate as aforesaid shall also be good and available.

9. It shall not be necessary, in any suit at law or equity brought by or against an executor, executrix or executors, to make a party of any executor or executrix named in the will, who shall not also be named in the letters testamentary, but the making him, her or them, a party or parties by mistake, shall not vitiate any proceeding for or against the proper party or parties.

10. Any bond executed by an executor or executrix, or an administrator or administratrix, as hereafter mentioned, shall be recorded in the office of the register of wills where administration is granted; and any person conceiving him or herself interested in the administration of the estate, shall be entitled to, and have on demand, a copy of such bond, and a certificate from the register, under his hand and the seal of his office, upon which copy and certificate an action may be maintained, in the name of the state, for the use of the party interested, and judgment may be recovered upon such action for the damage actually sustained.

11. The condition of the bond to be passed by any executor or executrix, administrator or administratrix, shall be as follows, or to the following effect: "The condition of the above obligation is such, that if the above bounden ——— shall well and truly perform the office of executor or executrix, administrator or administratrix, of ———, late of ———, deceased, according to law, and shall, in all respects, discharge the duties of him (or her) required by law, as executor or executrix, or administrator or administratrix, aforesaid, without any injury or damage to any person interested in the faithful performance of the said office, then the above obligation shall be void; it is otherwise to be in full force and virtue in law."

12. Every executor or executrix, administrator or administratrix, after filing his or her bond for faithful performance, and before letters shall be committed to him or her, shall be required to take the following oath, or affirmation, as the case may require, to be administered by the register of wills, or orphans court: "I ——— do swear, (or solemnly, sincerely and truly do affirm and declare,) that I will well and truly administer the goods, chattels, personal estate and credits, of ———, late of ———, deceased, to the best of my knowledge, according to law, and will give a just account of my administration when thereto I shall be lawfully called; So help me God."

13. The following shall be the form of the letters testamentary to be granted to an executor, executrix or executors, under the seal of the orphans court: "Maryland, sc. The State of Maryland, To all persons to whom these presents shall come, greeting. Know ye, that the last will and testament of ———, of ———, deceased, hath in due form of law been exhibited, proved and recorded, in the office of the register of wills for ——— county, a copy of which is to these presents annexed, and administration of all the goods, chattels and credits, of the deceased, is hereby granted and committed unto ———, the executor, executrix or executors, (or one or more of the executors,) by the said will appointed. Witness A. B. chief justice of the orphans court of ——— county, this ——— day of ———. Test. C. D. register of wills for ——— county."

14. In case of delay, on account of the absence from the state of an executor, executrix or executors, named in a will, or of a contest relative to the right of administration, or of a contested will or codicil, or of the negligence of any executor or executrix, named in the will, to take out letters testamentary, or the absence or negligence of any person entitled to letters of administration, or on any other account, the orphans court of the county wherein the will was proved or authenticated, or where letters of administration ought to be granted, may, at discretion, issue letters, authorising the collection and preservation of the goods of the deceased, and the returning an inventory thereof; and the said letters may, at discretion of the court, be directed to one person only, or to several persons, in case the goods or chattels and personal estate of the deceased shall be supposed to be in different counties.

15. The form of such letters shall be as follows: "Maryland, sc. The State of Maryland, To all persons to whom these presents shall come, greeting. Know ye, that whereas ———, of ———, deceased, as it is said, had, at his (or her) decease, personal property within this state,