

## TESTAMENTARY SYSTEM.

“ law, and shall, in all respects, discharge the duties of him (or her) required  
“ by law, as executor, (or executrix, or administrator or administratrix,) afore-  
“ said, without any injury or damage to any person interested in the faithful per-  
“ formance 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 es-  
“ tate and credits, of ———, late of ———, deceased, to the best of my  
“ knowledge, according to law, and will give a just account of my administra-  
“ tion when thereto I shall be lawfully called. So help me God.”

If any executor or executrix, administrator or administratrix, shall take out letters testamentary, or of administration, without having taken the said oath, he or she, on conviction in a court of law, shall be subject to such fine as the court may think proper, not exceeding one tenth part of the amount of the inventory of the goods, chattels and effects, of the deceased, as appraised in the manner hereafter directed.

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, ff. The state of Maryland, to all persons to whom these pre-  
“ sents 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 admi-  
“ nistration of all the goods, chattels and credits, of the deceased, is hereby  
“ granted and committed unto ———, the executor, executrix or exe-  
“ cutors, (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 ff. The state of Maryland, to all persons to whom these pre-  
“ sents shall come, greeting. Know ye, that whereas ———, of  
“ ———, deceased, as it is said, had, at his (or her) decease, personal  
“ property within this state, the administration whereof cannot immediately be  
“ granted, but which, if speedy care be not taken, may be lost, destroyed or  
“ diminished; to the end, therefore, that the same may be preserved for those  
“ who shall appear to have a legal right or interest therein, we do hereby request  
“ and authorise ———, of ———, to secure and collect the  
“ said property, wheresoever the same be in this state, (or in ——— county or  
“ counties.)