

TESTAMENTARY SYSTEM.

“ counties,) whether it be goods, chattels, debts or credits, and to make or
 “ cause to be made a true and perfect inventory thereof, and to exhibit the same,
 “ with all convenient speed, together with a reasonable account of his collection,
 “ into the office of the register of wills for ——— county. Witness A. B.
 “ chief justice of the orphans court for ——— county.

“ Test. C. D. Register of Wills for ——— county.”

16. But before letters to collect shall be granted, the party shall give bond, to be filed, recorded and sued as aforesaid, in such penalty as the court shall direct, and the condition thereof shall be as follows:

“ The condition of the above obligation is such, that if the above bounden
 “ ———, shall well and honestly discharge the office of collector of
 “ the goods, chattels, and personal estate and debts, of ———, de-
 “ ceased, in the state of Maryland, (or ——— county,) and shall make, or
 “ cause to be made, a true and perfect inventory or inventories of such of the
 “ said goods, chattels, personal estate and debts, as shall come to his or her
 “ possession or knowledge, and the same shall in due time return to the register
 “ of wills of ——— county, and shall also deliver to the person or persons who
 “ shall be authorized by the orphans court of the said county to receive them,
 “ such of the said goods, chattels, personal estate and debts, as shall come to
 “ his or her possession, (except such as shall be allowed for by the said court,)
 “ then the above obligation is to be void, or is otherwise to remain in full force
 “ and virtue in law.”

17. And every collector as aforesaid shall be required, on granting the said letters, to take the following oath, (or affirmation, as the case may require:)

“ I ——— do swear, that I will well and honestly discharge the
 “ office of collector of the goods, chattels, personal estate and debts, of ———,
 “ deceased, according to the tenor of the letters granted to me by the orphans
 “ court of ——— county, and agreeably to the directions of law, to the best
 “ of my knowledge. So help me God.”

18. A collector so appointed shall have power to collect the goods, chattels, personal estate and debts, according to the tenor of the said letters, and to secure the same at such reasonable and necessary expence, as shall be allowed by the court; and the court may authorize him, immediately after appraisement, to sell such as shall be perishable, or not to be preserved, and to account for the same; and for the whole trouble incurred by a collector, the court may allow a commission on the amount of the property and debts actually collected, and afterwards delivered to an executor or administrator, as to the court shall seem just, not exceeding three *per cent.* or the court may allow a commission on the whole inventory, not exceeding two *per cent.*

19. No collector as aforesaid shall have power to bring suit for debts, or to release the same, or to do any act further than is before mentioned.

20. On the granting of letters testamentary, or of administration, the power of any such collector shall cease; and it shall be his duty to deliver, on demand, all the property and money of the deceased in his hands, except as before excepted, to the person or persons obtaining such letters; and in case of the collector's evading such demand, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, either the court may proceed against him by attachment, and impose a fine not exceeding thirty dollars, or his bond may be sued by the executor or administrator.

C H A P. V.

To whom letters testamentary may be granted.

1. **I**F any person, named as an executor or executrix in a will, shall be, at the time when administration ought to be granted, under the age of eighteen years, or of unsound mind, incapable according to law of making a contract,

or