

observed as directed for making new parties in cases where a party dies.

38. If any person entitled to administration shall deliver or transmit to the Orphans' Court a declaration in writing that he is willing to decline the trust, the court shall proceed as if such person were not entitled.

39. Every administrator shall, before administration shall be granted to him, execute a bond to the State of Maryland with at least two sureties approved by the court or register, and in a penalty by them or him prescribed with the same condition annexed as herein prescribed for the bond of an executor, and the said bond shall be recorded and be liable to be sued, and be in all respects on the same footing as an executor's bond; and any person conceiving himself interested shall be entitled to a copy of said bond under seal, which copy shall be evidence.

40. Every administrator shall take the oath herein prescribed for an executor, before administration shall be granted to him.

ADMINISTRATION BY AN EXECUTOR.

41. When any will or codicil shall have been authenticated, or proved as herein directed, before the Register of Wills or Orphans' Court, letters testamentary may forthwith be committed to the executor or executors named in said will or codicil; *Provided*, the said executor, or each of the executors, shall execute a bond to the State of Maryland with two good securities, approved by the said register or Orphans' Court, as the case may require, and in such penalty as the said register or court may require, conditioned for the faithful performance of the trust in him reposed as executor, to be lodged and recorded in the said register's office, and subject to be put in suit as hereinafter mentioned.

42. If the executor, or all the executors named in a will who have not renounced, shall in due time procure an attested copy of the said will, and of the authentication or probate, under the seal of the office where it was authenticated or proved, and shall produce the same to the Orphans' Court, or in its recess to the Register of Wills, in any county wherein is personal estate of the testator to be administered, the said will and the authentication or probate thereof shall be recorded, and letters testamentary may be granted to the said executor, or all the execu-