

The fact that other son has renounced, and that son originally appointed might be reappointed, are immaterial. *Lutz v. Mahan*, 80 Md. 236.

A waiver of a right to administer is a sufficient consideration for a promise to administer without compensation. *Mott v. Fowler*, 85 Md. 678. And see *Basset v. Miller*, 8 Md. 550; *Brown v. Stewart*, 4 Md. Ch. 368.

Cited but not construed in *Coburn v. Harris*, 53 Md. 370; *Georgetown College v. Browne*, 34 Md. 455.

This section referred to in construing sec. 69—see notes thereto. *Lewis v. Logan*, 120 Md. 332.

See notes to sec. 34.

An. Code, sec. 38. 1904, sec. 38. 1888, sec. 39. 1798, ch. 101, sub-ch. 3, secs. 10, 11. 1910, ch. 580 (p. 321).

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, in a penalty prescribed by them or him, or with a surety corporation authorized by the laws of this State to qualify upon such bonds, and whenever the surety upon such bond is a corporation so authorized to qualify as such, the amount of the penalty of such bond shall be fixed by the court or register in an amount not exceeding the probable value of the property and assets of the estate for which the said administrator should account and be liable for, according to law, and ~~nothing~~ herein shall prevent the court or register from increasing the penalty of any bond to such an amount as they or he may see proper, for sufficient cause shown; and said bond shall have the same condition annexed as herein prescribed for the bond of an executor; and said bond shall be recorded and be liable to be sued on, 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.

In view of this section action of orphans' court in requiring an additional bond is not subject to review, certainly unless discretion vested in that court has been abused or arbitrarily exercised, and whether even then its action may be reviewed is not decided. Action of orphans' court upheld. *Pratt v. Hill*, 124 Md. 255.

The orphans' court is exclusive judge of sufficiency of penalty of bond. Ancillary jurisdiction of equity. *Alexander v. Stewart*, 8 G. & J. 245.

On a joint bond each of the administrators is liable not only for his own acts but for the acts of his co-administrator. *Clarke v. State*, 6 G. & J. 288.

Cited but not construed in *Georgetown College v. Browne*, 34 Md. 455.

See sec. 50 and notes; also sec. 107.

The bond of an administrator is liable for the collateral inheritance tax—art. 81, sec. 140, *et seq.*

As to counter and new security, see art. 90, secs. 1 and 2.

As to the allowance of the cost of corporate surety bonds out of the estate, see art. 24, sec. 10. Trust companies are not required to give bond as executor, administrator, etc.—art. 11, sec. 48.

An. Code, sec. 39. 1906, ch. 270.

40. Any administrator, executor, guardian, committee, receiver, trustee, assignee or other fiduciary or party of whom a bond, undertaking or other obligation is required, is authorized to agree or arrange with his surety or sureties, either for a general or a special deposit for safe-keeping of any and all moneys, assets and other property for which he is or may be responsible with a bank, savings bank, safe deposit or trust company