

An. Code, sec. 48. 1904, sec. 47. 1888, sec. 48. 1798, ch. 101, sub-ch. 3, sec. 8.

49. 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 not named in said letters shall in any manner interfere with the administration, or have any greater interest in the estate of the deceased than if he had not been named in the will as executor; and if letters of administration, with a copy of the will annexed, shall be granted, no executor therein named shall in any manner interfere further with the administration, or have any greater interest in the estate than if he had not been named as aforesaid; and no executor named in a will shall, before letters testamentary be granted to him, 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; but any act of an executor named in a will done before obtaining letters testamentary shall, in case he 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, 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.

An. Code, sec. 49. 1904, sec. 48. 1888, sec. 49. 1798, ch. 101, sub-ch. 3, sec. 11.

50. The condition of the bond given by an executor or administrator shall be as follows: The condition of the above obligation is such, that if the above bounden ——— shall well and truly perform the office of executor of ———, late of ——— county, deceased, according to law, and shall in all respects discharge the duties of him required by law as executor 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.

If executor fails to pay legacy after lapse of thirteen months his bond is liable to suit without order of court. Unnecessary allegation. *State v. Wilson*, 38 Md. 342.

A substantial following of this section in bond is all that is required. *Waters v. Riley*, 2 H. & G. 312 (dissenting opinion). *Cf. Howard County v. Hill*, 88 Md. 121.

Although a bond is not in words prescribed by this section, if a part of the condition of bond is that administrator shall faithfully pay all just claims, a demurrer to a suit on bond for non-payment of claim will be overruled. *Hamilton v. State*, 3 H. & J. 503. *Cf. Howard County v. Hill*, 88 Md. 121.

All bonds given by an executor or administrator to secure payment of debts and legacies and administration of assets, are testamentary or administration bonds within meaning of art. 57, sec. 3. *State v. Boyd*, 2 G. & J. 373. *Cf. State v. Snowden*, 7 G. & J. 433.

The action of detinue held not to come within the condition of an administration bond. *Hecking v. Howard*, 3 H. & McH. 203.

For a bond stated to be in conformity with this section, see *Alexander v. Fidelity and Deposit Co.*, 108 Md. 543.

See notes to sec. 39. See also sec. 107.

The bond of an executor 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.