

As to the allowance of the cost of corporate surety bonds out of 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. 50. 1904, sec. 49. 1888, sec. 50. 1798, ch. 101, sub-ch. 3, sec. 12.
1844, ch. 184, sec. 6. 1844, ch. 237, sec. 6. 1847, ch. 230.

51. Every executor or administrator, after filing his bond, and before letters shall be committed to him, shall be required to take the following oath, to be administered by the register of wills or orphans' court: "I, _____, do swear that I will well and truly administer the goods, chattels, personal estate and credits of _____, late of _____, deceased, to the best of my knowledge, according to law; and will give a just account of my administration when thereto I shall be lawfully called; and that I will diligently and faithfully regard, and well and truly comply with the law imposing a tax on the commissions allowed to executors and administrators, and a tax on collateral inheritances, distributive shares and legacies, so help me God." Which said oath shall be recorded by the register of wills.

An. Code, sec. 51. 1904, sec. 50. 1888, sec. 51. 1798, ch. 101, sub-ch. 3, sec. 13.

52. The following shall be the form of letters testamentary: Maryland, ss: The State of Maryland to all persons to whom these presents shall come, greeting:

Know ye, that the last will and testament of _____, of _____, deceased, hath been in due form of law exhibited, proved and recorded in the office of the register of wills for _____ county, a copy of which is to these presents annexed, and administration of all the goods, chattels and credits of the said deceased is hereby granted and committed unto _____, the executor 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.

Where there is a certificate of register that letters testamentary were issued, fact that they are not precisely in form prescribed by this section does not invalidate or affect proceedings of executors. *Parker v. Leighton*, 131 Md. 412.

Since this section provides that letters shall be under seal, if they are issued without a seal, they are invalid and not admissible in evidence; defect not cured by seal of court authenticating copy of will. *Tuck v. Boone*, 8 Gill, 190 (decided prior to Codes of 1860 and 1888).

An. Code, sec. 52. 1904, sec. 51. 1888, sec. 52. 1798, ch. 101, sub-ch. 4, sec. 1.

53. If any person named as executor 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 convicted of any crime rendering him infamous according to law, or if any person named as executor shall not be a citizen of the United States, letters testamentary or of administration (as the case may require) may be granted in the same manner as if such person had not been named in the will.

The term "infamous crime" defined. *Garitee v. Bond*, 102 Md. 382.

An applicant for letters held not to be disqualified under this section. *Stouffer v. Stouffer*, 110 Md. 372.

This section referred to in discussing the question of when a female is of legal age. *Davis v. Jacquin*, 5 H. & J. 110.

See notes to sec. 44.