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; Neighbors *v.* Beck, 162 Md. 366.

See sec. 52 and notes; also sec. 110.

The bond of an administrator is liable for the collateral inheritance tax—art. 81, sec. 128.

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.

An. Code, 1924, sec. 40. 1912, sec. 39. 1906, ch. 270.

41. 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 authorized by law to do business as such, and situate in the city or county in which his said bond may have been filed, and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such surety or sureties, or an order of a court or a judge thereof, made on such notice to such surety or sureties as the court or judge may direct.

A guardian held to have been possibly acting under this section. De Bearn *v.* Winans, 119 Md. 394.

Cited in dissenting opinion in Fay *v.* Fay, 172 Md. 586.

An. Code, 1924, sec. 41. 1912, sec. 40. 1904, sec. 39. 1888, sec. 40. 1798, ch. 101, sub-ch. 3, sec. 12.

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

This section referred to in construing sec. 12—see notes thereto. Smith *v.* Michael, 113 Md. 21.

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

Where a trust company is administrator, no oath is now required—art. 11, sec. 60.