

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, 1924, sec. 50. 1912, sec. 49. 1904, sec. 48. 1888, sec. 49. 1798, ch. 101, sub-ch. 3, sec. 11.

**52.** 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 allegations. *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. 40. See also sec. 110.

The bond of an executor 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 estate, see art. 24, sec. 10.

An. Code, 1924, sec. 51. 1912, 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. 1933, ch. 375.

**53.** 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." Which said oath shall be recorded by the register of wills.

1933, ch. 378.

**54.** Every executor or administrator who is a non-resident of the State of Maryland shall file in the office of the register of wills an instrument designating some local agent on whom service of any process may