

each of them failing as would authorize the issuing letters of administration in case of the failure of a sole named executor.

Id. s 47.
1798, c 101,
sub-c 3, s 7
Proceedings
upon renounce-
ing executor.

55. If any executor named in a will shall file or transmit to the Orphans' Court of the county wherein the will shall have been authenticated or proved as aforesaid, an attested renunciation in writing of his trust, there may be the same proceedings with respect to granting letters testamentary or of administration, as if the party so renouncing had not been named in the will; *provided, nevertheless*, that any executor named in a will shall be entitled, notwithstanding any failure or renunciation as aforesaid, on filing a bond as aforesaid, before letters testamentary or of administration shall actually be committed to another or others as aforesaid, to have letters testamentary granted to him, or to be included therein, as the case may require.

Proviso.

Id. s 48
1798, c 101,
sub-c 3, s 8
Executor not to
act without
letters

56. 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.

Acts done valid
after obtaining
letters

Sufficient in suit
by executor to
show grant
before trial
Certificate of
letters evidence.

Id. s 49
1798, c 101,
sub-c 3, s 11
Condition of
bond by execu-
tor or adminis-
trator
38 Md 339

57. 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.

Id. s 50
1798, c 101,
sub-c. 3, s 12,

58. Every executor or administrator, after filing his bond, and before letters shall be committed to him, shall be required to take