

and shall return as aforesaid; but letters of administration after the expiration of the said six months may be granted without such proceeding by summons against the executor so returning.

Georgetown College v. Browne, 34 Md. 450.

P. G. L., (1860,) art. 93, sec. 46. 1798, ch. 101, sub-ch. 3, sec. 6.

46. If there shall be more than one executor named in a will, there may be the same proceedings with respect to each of them as if he were the only executor named; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting of letters testamentary to one or more of the executors, on failure of one or more of the rest; and any circumstances under which letters of administration may be granted, on failure of a sole-named executor, shall authorize the granting of such letters of administration on failure of all the executors; and in no case where there are several executors named in a will, shall letters testamentary be granted to one only, or to any number of them less than the whole, or shall letters of administration be granted until there shall be such proceedings against each of them failing as would authorize the issuing letters of administration in case of the failure of a sole-named executor.

Montgomery v. Black, 4 H. & McH. 391. *Watkins v. State*, 2 G. & J. 220. *Hunter v. Bryson*, 5 G. & J. 483. *Gardiner v. Hardey*, 12 G. & J. 366. *Spencer v. Ragan*, 9 Gill, 482. *Georgetown College v. Browne*, 34 Md. 450.

Ibid. sec. 47. 1798, ch. 101, sub-ch. 3, sec. 7.

47. 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.

Georgetown College v. Browne, 34 Md. 450.