

after mentioned ; but whenever a testator shall state in his will that he wishes that his executor shall be excused from the necessity of giving bond for the performance of his duties as executor, then and in such case the bond required of the executor shall be in such penalty as the register or orphans' court shall consider sufficient to secure the payment of the debts due by the deceased, and all public taxes and assessments which may be or become due on the property devised or bequeathed by the testator, and on the commissions of the executor ; and the said bond shall be conditioned accordingly, and shall be in no other or greater penalty ; provided, that whenever any heir, distributee, legatee or devisee named in a will shall make it appear to the orphans' court that any executor who has given such bond only as is last mentioned is wasting the assets of the estate, or that the assets of the estate in the hands of such executor are in danger of being lost, wasted or misappropriated, then, and in that case, the court shall require the said executor to give bond with security in a penalty sufficient to secure the interests of the heirs, distributees, legatees and devisees, and conditioned accordingly ; and on his failure to give bond as required by the court, within a time named by order of the court, his letters testamentary shall be revoked forthwith.

*Winchester v. Union Bank*, 2 G. & J. 79. *Hunter v. Bryson*, 5 G. & J. 483. *Gibbons v. Riley*, 7 Gill, 84. *Cecil v. Negro Rose*, 17 Md. 104. *Cecil v. Clarke*, 17 Md. 520. *Lungren v. Swartzwelder*, 44 Md. 482. *Carey v. Reed*, 82 Md. 396.

1888, art. 93, sec. 42. 1860, art. 93, sec. 42. 1798, ch. 101, sub-ch. 3, sec. 2.

**41.** If the executor, or all the executors named in a will who have not renounced, shall in due time procure an attested copy of the said will, and of the authentication or probate, under the seal of the office where it was authenticated or proved, and shall produce the same to the orphans' court, or in its recess to the register of wills, in any county wherein is personal estate of the testator to be administered, the said will and the authentication or probate thereof shall be recorded, and letters testamentary may be granted to the said executor, or all the executors not renouncing, by the said court, or in its recess by the register, at any time within forty days from the date of the said copy, on his or their executing a bond or bonds as aforesaid ; and in case of sickness of, or accident to, or reasonable excuse made in behalf of any such executor, the said court or register may allow a further time, not exceeding