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“state, the administration whereof cannot immediately be granted, but which, if speedy care be not taken, may be lost, destroyed or diminished; to the end, therefore, that the same may be preserved for those who shall appear to have a legal right or interest therein, we do hereby request and authorize — —, of — —, to secure and collect the said property, wheresoever the same be in this state, (or in — — county or counties,) whether it be goods, chattels, debts or credits, and to make or cause to be made a true and perfect inventory thereof, and to exhibit the same, with all convenient speed, together with a reasonable account of his collection, into the office of the register of wills for — — county. Witness A. B. chief justice of the orphans court for — — county. Test. C. D. register of wills for — — county.”

16. But before letters to collect shall be granted, the party shall give bond, with approved security, to be filed, recorded and sued as aforesaid, in such penalty as the court shall direct, and the condition thereof shall be as follows: “The condition of the above obligation is such, that if the above bounden — — shall well and honestly discharge the office of collector of the goods, chattels, and personal estate and debts of — —, deceased, in the state of Maryland, (or — — county,) and shall make, or cause to be made, a true and perfect inventory or inventories of such of the said goods, chattels, personal estate and debts, as shall come to his or her possession or knowledge, and the same shall in due time return to the register of wills of — — county, and shall also deliver to the person or persons who shall be authorized by the orphans court of the said county to receive them, such of the said goods, chattels, personal estate and debts, as shall come to his or her possession, (except such as shall be allowed for by the said court,) then the above obligation is to be void, or is otherwise to remain in full force and virtue in law.”

17. And every collector as aforesaid shall be required, on granting the said letters, to take the following oath, or affirmation, as the case may require: “I — — do swear, or affirm, as the case may be, that I will well and honestly discharge the office of collector of the goods, chattels, personal estate and debts, of — —, deceased, according to the tenor of the letters granted to me by the orphans court of — — county, and agreeably to the directions of law, to the best of my knowledge; So help me God.”

18. Every collector so appointed shall have power to collect the goods, chattels, personal estate and debts, according to the tenor of the said letters, and to secure the same at such reasonable and necessary expence as shall be allowed by the court; and the court may authorize him, immediately after appraisement, to sell such as shall be perishable, or not to be preserved, and to account for the same; and for the whole trouble incurred by a collector, the court may allow a commission on the amount of the property and debts actually collected, and afterwards delivered to an executor or administrator, as to the court shall seem just, not exceeding three *per cent.* or the court may allow a commission on the whole inventory, not exceeding two *per cent.*

19. No collector as aforesaid shall have power to bring suit for debts, or to release the same, or to do any act further than is before mentioned.

20. On the granting of letters testamentary or of administration, the power of any such collector shall cease, and it shall be his duty to deliver, on demand, all the property and money of the deceased in his hands, except as before excepted, to the person or persons obtaining such letters; and in case of the collector's evading such demand, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, either the court may proceed against him by attachment, and impose a fine not exceeding ten *per cent.* on the amount of property in his hands, unless in the case of the minority of the executor or executrix, then and in such case letters of administration, during the minority of such executor or executrix, shall be granted; the age of eighteen years to be considered as the age of majority for the purposes of this clause; or his bond may be sued by the executor or administrator.

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To whom letters testamentary may be granted.

1. IF any person, named as an executor or executrix in a will, shall be, at the time when administration ought to be granted, under the age of eighteen years, or of unsound mind, incapable according to law of making a contract, or convict of any crime, rendering him or her infamous, according to law, or if any person, named as an executor, shall not be a citizen of the United States, letters testamentary, or of administration, (as the case may require,) may be granted, in the same manner as if such person had not been named in the will.

2. No question respecting infamy, citizenship, or competent age, shall be determined by the orphans court, without summoning the persons so named in a will, and alleged to be infamous, alien, or under age, provided he or she be within the state, or without giving such notice, by advertisement, or otherwise, as the court shall direct, (in case he or she be out of the state,) and hearing, in case the party shall attend agreeable to summons or notice.

3. A transcript of the record of conviction shall be evidence in the orphans court to prove the party infamous.

4. When any person, so named as an executor in a will, shall be alleged to be an alien, or not a citizen of the United States, his citizenship shall not be established otherwise than by a certificate under the seal of the office, or court, where the party became naturalized, or by competent testimony that the said person is a natural born citizen of this state, or of some of the United States.

5. Any inquisition of a jury, on a writ issued from chancery, finding the party an idiot, lunatic, or *non compos mentis*, and confirmed by the chancellor, shall be conclusive evidence of the unsound mind of the party; and if such an inquisition shall not have been had, at the time when administration ought to be granted, a writ *de lunatico inquirendo* may issue by the chancery or orphans court, on the petition to either of the said courts of any person interested; and the finding of the jury, that the party is an idiot, lunatic or madman, or *non compos mentis*, thereon returned and confirmed by the chancellor or the orphans court, as the case may be, shall be conclusive against the party; and a certificate from the register in chancery, under seal, stating the substance of the proceedings, shall be evidence in the orphans court, who may thereon proceed as if the party had not been named in the will.

6. When a person named in a will as an executor or executrix shall be alleged to be under the age of eighteen years, it shall be incumbent on the person making the allegation to establish the same by such proof as is usually required in such cases.