

C H A P.
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“ hereby granted and committed unto ———, the executor, executrix or executors, (or one or more of the executors,) by the said will appointed. Witness A. B. chief justice of the orphans court of ——— county, this ——— day of ———. Test. C. D. register of wills for ——— county.”

14. In case of delay, on account of the absence from the state of an executor, executrix or executors, named in a will, or of a contest relative to the right of administration, or of a contested will or codicil, or of the negligence of any executor or executrix, named in the will, to take out letters testamentary, or the absence or negligence of any person entitled to letters of administration, or on any other account, the orphans court of the county wherein the will was proved or authenticated, or where letters of administration ought to be granted, may, at discretion, issue letters, authorising the collection and preservation of the goods of the deceased, and the returning an inventory thereof; and the said letters may, at discretion of the court, be directed to one person only, or to several persons, in case the goods or chattels and personal estate of the deceased shall be supposed to be in different counties.

15. The form of such letters shall be as follows: “ Maryland, sc. The State of Maryland, To all persons to whom these presents shall come, greeting. Know ye, that whereas ———, of ———, deceased, as it is said, had, at his (or her) decease, personal property within this 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 authorise ———, 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 authorised 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 authorise 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