

approve, to the state of Maryland, to be recorded and sued as before directed, with condition "for paying all just debts of, and claims against, the deceased, and all damages which shall be recovered against him as executor, and also all legacies bequeathed by the will," provided the said executor be residuary legatee, or provided the residuary legatee of full age, shall notify his or her consent to the court; and in case such bond be given by an executor, he shall be answerable for all debts, claims and damages, recovered against him as executor; and if suit be brought against him as executor, the judgment shall be for the whole sum found by the jury, or otherwise ascertained, and execution may issue, and have effect, as if he were sued in his own right; and any legatee shall be entitled to recover the full amount of his legacy, either in a suit upon the said executor's bond, or in a suit in chancery, as is usual in case of legacies, or in an action on the case, in which the giving of such bond shall be considered as an assent to the legacy.

7. No administrator, entitled to the whole residue after payment of debts of, and claims against, the intestate, shall be obliged to return an inventory or account, provided he will give bond, with such security, and in such penalty, as the court shall approve, conditioned for paying all debts, claims and damages, which shall be recovered against him, as administrator; and in case he shall give such bond, he shall be answerable for all debts, claims and damages aforesaid, and judgment may be given, and execution may issue and have effect, as herein directed with respect to an executor giving a similar bond.

8. The rules and regulations herein contained, relative to last wills and codicils, shall be construed to extend to all cases where the testator or testatrix shall die after the time when the operation of this act shall commence, without regard to the time of making the will or codicil.

9. Forasmuch as it is the intent of the law now in force, as well as of this act, that executors and administrators should suffer no loss from the decrease of the estate, and make no gain from the increase, and that, when necessary for paying debts, a sale shall take place, and the said executor or administrator be accountable for the amount of the sales, in every case where letters testamentary or of administration have already been granted, and the administration hath not been completed, or a final account passed, the rules herein before laid down, relative to the duties and powers of executors and administrators, and the remedies against them, shall govern and prevail with respect to such part of the administration as shall remain incomplete at the time when the operation of this act is to commence; provided nevertheless, that this act shall not be construed to deprive any executor or administrator of any right which accrued to him by entering on his trust, or to exempt any executor or administrator from any remedy or proceeding against him, which any person is or shall be entitled to on account of his not having observed the directions of the law now in force.

10. All rules herein contained, relative to an executor or administrator, shall apply and extend to an executrix or administratrix, or executors or administrators respectively, unless otherwise expressly provided for; and whenever any party in the singular number, or a male party is mentioned, the rule shall apply to a female, or to two or more having a joint interest, or jointly concerned, applying or called upon, so far as the rule can with propriety apply, or so far as is not otherwise directed.

11. If any security of an executor or administrator shall conceive him or herself in danger of suffering from the suretyship, he may apply to the orphans court which granted the administration, and the said court may call upon the party to give counter security, to be approved by the court; and if the party so called on shall not, within a fixed reasonable time, give such counter security, the court may order the property remaining in the hands of such executor or administrator to be delivered up to such security, and the court may enforce the delivery, by process, as hereafter directed; and an inventory of the property delivered to such security shall be returned without delay, and the property contained in such inventory shall be by the said security sold, distributed and delivered up, as the case may require, under the immediate order of the court, as if such security were executor or administrator; but inasmuch as it would be inconvenient to creditors, and others interested in the estate, if there should be a double administration, the executor or administrator shall go on to discharge his trust, unless the court revoke his letters for some just cause, as herein before directed, and he shall be answerable for the property in the same manner as if it were not on his default as aforesaid delivered to the security, and he shall be entitled to sue the said security, in a special action on the case, grounded on this act, and recover damages, with double costs, in case he shall suffer from the misconduct of such security, in diminishing any part of the property, without obtaining an allowance for the same from the court; and the said security shall bring into court, to be deposited with the register of wills, the money arising from the sale of any property as aforesaid, to be applied according to the meaning of this act.

12. Any executor or administrator shall be entitled to appoint a meeting of creditors, or of persons entitled to distributive shares or legacies, or a residue, on some day by the court approved, and passage of claims, payment or distribution, may be there made, under the court's direction and control.