

proprietors of lots and houses therein, and for the regulation and improvement of said town, were sent to the house of delegates.

Mr. Maxcy from the committee reports a bill, entitled, An act for the benefit of the free schools in Anne Arundel county; which was read the first time and laid on the table.

On motion of Mr. Maxcy, Leave given to bring in a bill, entitled, An act relating to costs in causes removed for trial to a county where they did not originate. Ordered, That Messrs. Maxcy, Gale and Jackson, bring in the same.

Mr. Maxcy from the committee reports the same; which was read the first time and laid on the table.

The bill supplementary to the act for amending and reducing into system the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans and other representatives of deceased persons, was read the third time and will pass with the proposed amendment. Amendment proposed: Strike out from the title to the end of the bill and insert the following: "1. Be it enacted by the general assembly of Maryland, That whenever any person shall die, seized or possessed of, any lands, tenements or hereditaments, situate and lying within the state, and any of the persons entitled to such lands, tenements or hereditaments, or any part thereof, shall be under age, and without a guardian appointed by last will and testament, or by the orphans court, it shall be the duty of the executor or executors, administrator or administrators, as the case may be, of such deceased, as soon as letters testamentary or of administration shall be committed to him, her or them, and not before, to take possession of such estate, and to discharge and fulfil all the duties of guardian to such minor until a guardian shall be regularly appointed by the orphans court, or until the said minor shall arrive at age, whichever shall first happen, and shall account with the said court in like manner as guardians are by law required to account, and subject to the like control and authority of the court in all respects whatever. 2. And be it enacted, That when a guardian or guardians shall be appointed to such minor, or the said minor shall arrive at age, whichever shall first happen, it shall be the duty of the aforesaid executor or executors, administrator or administrators, as the case may be, to render to the orphans court an account, on oath, of the manner in which the duties imposed by this act have been discharged, in the same manner and upon the same principles as guardians are now required by law to settle their accounts, and subject to the like control and authority of the court in all respects whatever, which said account shall be separate and distinct from the administration of the personal estate of the said deceased; and the orphans court shall thereupon pass an order, directing such executor or executors, administrator or administrators, as the case may be, to pay over to the guardian or guardians to be appointed as aforesaid, or to the person entitled, as the case may be, any money remaining in his, her or their hands, belonging to such minor, which shall have arisen from the profit of the real estate belonging to the said minor, and also to deliver over to such guardian or guardians, or person entitled, as the case may be, the real estate of such minor, and upon the neglect or refusal of the executor or executors, administrator or administrators, to obey such order, or to return an account as herein before directed, his, her or their testamentary or administration bond, as the case may be, shall be liable to be sued by such guardian or guardians, or person entitled as aforesaid, and the orphans court may moreover proceed against such executor or executors, administrator or administrators, as the case may be, by attachment and sequestration. 3. And be it enacted, That whenever letters of administration de bonis non have heretofore or may hereafter be granted by the orphans court of any county in this state, the said court is hereby authorized, on the application of the administrator de bonis non, to pass an order directing the executor or executors, administrator or administrators, as the case may be, of the deceased executor or administrator, on or before a certain day in the said order to be named, to deliver over to the administrator de bonis non all the bonds, notes, accounts, and evidence of debt, which the deceased executor or administrator may have taken, received or had, as executor or administrator, at the time of his death, and also to pay over to the said administrator de bonis non all the money in the hands of such deceased executor or administrator as such, at the time of his death, and upon proof made to the said court of the service of such order, and upon the neglect or refusal of the executor or executors, administrator or administrators, to comply therewith by the time specified in the said order, the orphans court may pass an order directing the testamentary or administration bond of such deceased executor or administrator, or of the executor or executors, administrator or administrators, so refusing as aforesaid, or both of them, as the case may require, to be put in suit, the said suit or suits to be entered for the use of such administrator de bonis non. 4. And be it enacted, That it shall be the duty of the executor or administrator of such deceased executor or administrator, to return upon oath, to the orphans court, on or before the day named in the order aforesaid, a list of the notes, bonds, accounts, and money aforesaid, as far as he can ascertain the same. 5. And be it enacted, That the bonds, notes or accounts that may be delivered to him as aforesaid, when collected, and the money paid over to him as aforesaid, shall be assets in his hands to be accounted for by him as such. 6. And be it enacted, That if the executor or executors, administrator or administrators, of the deceased executor or administrator, shall return the list of notes, bonds, accounts and money, herein before directed, in the manner herein directed, such executor or executors, administrator or administrators, shall be allowed to retain out of the money, notes, bonds or accounts, such commission as the court in their discretion may think proper to allow, not exceeding ten per cent. on the principal inventory, to be accounted for by such executor or executors, administrator or administrators, in the settlement of the estates of their respective testator or intestate; and if the said executor or executors, administrator or administrators, shall neglect or refuse to return such list, no deduction shall be made on account of such commission from the damages to be recovered as aforesaid by the administrator de bonis non; and the executor or executors, administrator or administrators, so neglecting or refusing, shall be bound nevertheless to account for the commission so lost by his, her or their default, in the settlement of the estate of his, her, or their testator or intestate, as the case may be, and his, her, or their bond, shall be liable to be sued therefor. 7. And be it enacted, That every executor and administrator heretofore appointed, may in his, her, or their discretion, within one year after the passage of this act, and every executor and administrator hereafter appointed may, within one year after the date of his, her, or their letters, return to the orphans court a list of the debts due from his, her, or their testator or intestate, which may be made known to him, her or them, stating the principal, and the time at which interest is to commence on each respective debt, to which list of debts shall be annexed the oath or affirmation of the exe