

Authenticated
or proved.

Penalty as
the register
may require.

Give bond
with security.

SECTION 41. When any will or codicil shall have been authenticated or proved as herein directed, before the Register of Wills or Orphans' Court, letters testamentary may forthwith be committed to the executor or executors named in said will or codicil; provided the said executor, or each of the executors, shall execute a bond to the State of Maryland with two good sureties, approved by the said register or Orphans' Court, as the case may require, and in such penalty as the said register or court may require, conditioned for the faithful performance of the trust in him reposed as executor, to be lodged and recorded in said register's office, and subject to be put in suit as hereinafter 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 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.

Approved May 3, 1882.