

Case No. 7,990.

LAIRD V. DICK ET AL.

[4 Cranch, C. C. 666.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1835.

LETTERS TESTAMENTARY—REVOCATION.

Letters testamentary granted without security, agreeably with the will of the testator, may be revoked by the orphans' court, upon the petition of creditors.

{Bill by John Laird's executor against Elizabeth Dick and others.}

This was an appeal from an order of the orphans' court made on the 25th of August, 1835, revoking the letters testamentary because the executor had not complied with an order of that court requiring him to give security and return an inventory; the letters having been originally granted on the 30th of July, 1833, accompanied by an order saying that "no security to the executor's bond is required, nor any inventory of the personal estate to be returned to the court." The order of revocation was made on the petition of the creditors of the testator. The letters were originally granted without security in consequence of a clause in the will, by which the testator requests that no security should be required of his executor, at least as far as any gift or bequest was concerned; and that an appraisement should be dispensed with. The executor was not the residuary legatee.

THIS COURT, upon consideration of the testamentary law of 1798, c. 101; Id. subc. 3, §§ 3, 8; Id. subc. 10, § 9; Id. subc. 14, §§ G, 7, affirmed the order of the orphans' court revoking the letters testamentary.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]