

1904, art. 93, sec. 55. 1888, art. 93, sec. 56. 1860, art. 93, sec. 56. 1798, ch. 101, sub-ch. 4, sec. 5.

56. Any inquisition of a jury on a writ issued from a court of equity finding the party an idiot, lunatic or *non compos mentis*, and confirmed by the court, shall be conclusive evidence of the unsound mind of the party; and if such inquisition shall not have been had at the time when administration ought to be granted, a writ *de lunatico inquirendo* may issue by the circuit court or orphans' court, on the petition to either of said courts of any person interested; and the finding of the jury that the party is an idiot, lunatic or madman, or *non compos mentis*, thereon returned and confirmed by the court, shall be conclusive against the party, and a certificate from the clerk of the court, under seal, stating the substance of the proceedings, shall be evidence in the orphans' court, who may thereon proceed as if the party had not been named in the will.

This section prescribes the mode for determining the unsoundness of mind *vcl non* of an applicant for letters. The orphans' court has no power to decide such a question. *Kearney v. Turner*, 28 Md. 425.

The mere allegation that an executor is of unsound mind is insufficient to disqualify him; he must have been judicially declared insane. *Wheeler v. Stifer*, 82 Md. 649.

This section referred to in construing section 33—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

Ibid. sec. 56. 1888, art. 93, sec. 57. 1860, art. 93, sec. 57. 1798, ch. 101, sub-ch. 4, sec. 6.

57. When a person named in a will as executor shall be alleged to be under the age of eighteen years, it shall be incumbent on the person making the allegation to establish the same by such proof as is usually required in such cases.

Ibid. sec. 57. 1888, art. 93, sec. 58. 1860, art. 93, sec. 58. 1798, ch. 101, sub-ch. 4, sec. 7.

58. No married woman shall be entitled to letters testamentary, but the same, or letters of administration shall be granted in the same manner as if she had not been named in the will, unless her husband, with two sureties, give bond as aforesaid for her faithful performance; and the bond of any executrix who is unmarried and above eighteen, given as aforesaid, shall be binding in the same manner as if she were of the full age of twenty-one years.

This section referred to in construing section 33—see notes thereto. *Georgetown College v. Browne*, 34 Md. 457.

Ibid. sec. 58. 1888, art. 93, sec. 59. 1860, art. 93, sec. 59. 1798, ch. 101, sub-ch. 4, sec. 8.

59. In case letters testamentary shall be granted to an executor above eighteen and under twenty-one years of age, the bond executed by him for faithful performance shall be binding as if he were of full age.