

1904, art. 93, sec. 57. 1888, art. 93, sec. 58. 1860, art. 93, sec. 58. 1798, ch. 101, sub-ch. 4, sec. 7. 1914, ch. 23.

58. A married woman shall be entitled to letters testamentary or letters of administration in the same manner as if she were unmarried, and shall give bond with the same conditions annexed as herein provided in this Article for the bonds of executors and administrators, and the bond of any executrix or administratrix who is unmarried and eighteen years of age or over shall be binding in the same manner as if she were of the full age of twenty-one years.

See notes to this section (as it stood in 1911) in volume 2 of the Annotated Code.

Administration Pendente Lite.

68.

The last clause of this section does not make eligible only those first entitled in case of intestacy, but should they renounce, then those next entitled will be eligible; in other words, the persons entitled, means those entitled at the time the letters are issued. The selection among those entitled is within the discretion of the orphans' court. *Lewis v. Logan*, 120 Md. 331.

This section referred to in deciding that equity would not enjoin an administrator *pendente lite* from performing his duties because one of the judges of the orphans' court which appointed him was a remainderman under the will; defects in record. An appeal lies to the Court of Appeals direct from an order appointing an administrator *pendente lite*. See note to section 235. *In re Curtis Estate v. Piersol*, 117 Md. 173.

Administration De Bonis Non.

70.

If an executor dies without making a full distribution and delivery of the assets of an estate, it is necessary to have an administrator *d. b. n.*; the executor's executor is not competent as a general rule to interfere with such assets or to render an account for the deceased administrator. If the fund has been lost, wasted or misapplied by deceased executors, equity, under the facts of the case at bar, would appoint a trustee to sue for the recovery of the fund. *Lawson v. Burgee*, 121 Md. 208.

To the first and second notes to this section on page 2052 of volume 2 of the Annotated Code, add the case of *Lawson v. Burgee*, 121 Md. 208.

71.

See notes to section 70.

72.

The orphans' court has power under this section, on application of the administrator *d. b. n.*, to order the administrator or executor of the deceased administrator or executor "to pay over to him the money in his hands as such," and upon a refusal to comply with the order, the court may order the bond of the deceased administrator or both of them to be put in suit. *Lawson v. Burgee*, 121 Md. 208.

To the second note to this section on page 2053 of volume 2 of the Annotated Code, add the case of *Crothers v. Crothers*, 121 Md. 118.

See notes to sections 11 and 70.

73.

See notes to sections 11 and 70.