

to file an answer and plenary proceedings are evidently contemplated—see section 254, *et seq.* Object of a replication and when it should be filed. *Long v. Long*, 115 Md. 134.

**229.**

See note to section 228.

**Orphans' Court.****231.**

See article 4, section 40, *et seq.* of the Md. Constitution.

**235.**

The orphans' court has no jurisdiction to administer a continuing trust; it is, however, for most purposes the forum in which to settle the estate of a deceased person. It cannot be said generally that the orphans' court has no power to construe wills, since that would be to deny it the power to approve an administration account by which payments of legacies are made. To give equity jurisdiction, some special circumstances must appear, such as a trust devolved on a trustee about which he is doubtful. The termination *vel non* of a trust may present questions of extreme difficulty, and the orphans' court has no authority to adjudicate such questions, they being vested solely in equity courts. *Hagerstown Trust Co., Executor of Mealey*, 119 Md. 232.

In view of the powers given the orphans' court in the first portion of this section, a court of equity held to be not warranted in interfering, either to protect the estate or to appoint a receiver. See notes to section 68. *In re Curtis' Estate v. Piersol*, 117 Md. 172.

To the fifth and sixth notes to this section on page 2111 of volume 2 of the Annotated Code, add the case of *Crothers v. Crothers*, 121 Md. 119.

1914, ch. 256.

**235A.** From and after April 1, 1914, no letters testamentary or of administration shall be issued to any person on the estate of any deceased person except upon application, first made in writing, plainly and distinctly setting forth the name, age and last known place of residence of said deceased person, the date of and place of death, whether said decedent died leaving a husband, or wife, or child or children, or other heirs at law surviving; together with the names, ages and place of residence of said husband, wife, child, children or other heirs at law, said application to be signed by the party applying for said letters, and who shall make oath to the truth of the statements contained in said application, to the best of their knowledge, information and belief. *This Section shall only apply to Cecil County.*

**237.**

To the second, third and fourth notes to section 237 on page 2113 of volume 2 of the Annotated Code, add the case of *Owen v. Pye*, 115 Md. 406.

**242.**

The orphans' court has no jurisdiction to authorize a guardian to invest the ward's funds in a loan to the guardian himself upon his promissory note bearing interest. Definition of the term "investment." *Fidelity & Deposit Co. v. Freud*, 115 Md. 32.

To the second note under the sub-title "Generally" to section 242 on page 2115 of volume 2 of the Annotated Code, add the case of *Owen v. Pye*, 115 Md. 407.