

An. Code, sec. 65. 1904, sec. 64. 1888, sec. 65. 1798, ch. 101, sub-ch. 3, sec. 18.

66. The orphans' court may allow a collector a commission on the property and debts actually collected and afterwards delivered to the executor or administrator, not exceeding three per cent., or on the whole inventory not exceeding two per cent.

The commissions allowed a collector and those allowed an executor are distinct and independent. It is immaterial, therefore, that commissions allowed two officials aggregate more than ten per cent. *Wilson v. Wilson*, 3 G. & J. 22.

This section referred to in construing sec. 5—see notes thereto. *In re Estate Baxley*, 47 Md. 559.

See notes to secs. 5 and 75.

An. Code, sec. 66. 1904, sec. 65. 1888, sec. 66. 1798, ch. 101, sub-ch. 3, sec. 20.

67. On granting of letters testamentary or of administration, the powers of any such collector shall cease, and it shall be his duty to deliver on demand all the property and money of the decedent in his hands, except as before excepted, to the person obtaining such letters; and in case of the collector's evading such demands, or refusing or neglecting to deliver according to such demand, made at a reasonable time and place, either the court may proceed against him by attachment and impose a fine not exceeding ten per cent. on the amount of property in his hands, or his bond may be sued by the executor or administrator.

Administration Durante Minoritate.

An. Code, sec. 67. 1904, sec. 66. 1888, sec. 67. 1798, ch. 101, sub-ch. 3, sec. 20.

68. Administration *durante minoritate* of an executor may be granted by the orphans' court of the county wherein letters testamentary should be granted, and such administration shall last until the executor shall attain to the age of eighteen years.

Administration Pendente Lite.

An. Code, sec. 68. 1904, sec. 67. 1888, sec. 68. 1810, ch. 34, sec. 6. 1894, ch. 107.

69. In all cases where the validity of a will is or shall be contested, letters of administration pending such contest may, in the discretion of the orphans' court, be granted to the person named executor or to the person to whom the largest portion of the personal estate may be bequeathed in such contested will, or to the person who would be entitled to letters of administration by law, as in cases of intestacy.

The appointment of a brother of testator as administrator *pendente lite*, upheld under this section. He would also have been entitled under secs. 21 and 23. Notice of probate of will need only be given where none of near relatives of the decedent are present at probate. *Daugherty v. Daugherty*, 131 Md. 492.

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, persons entitled means those entitled at time letters are issued. The selection among those entitled is within discretion of 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 judges of orphans' court which appointed him was a remainderman under will; defects in record. An appeal lies to court of appeals direct from order appointing administrator *pendente lite*. See note to sec. 243. *In re Curtis Estate v. Piersol*, 117 Md. 173.