

This and following section referred to in holding that plaintiff was not injured by refusal of court in a caveat case to admit in evidence a copy of account stated by defendant as administrator *pendente lite*, and a copy of exceptions of plaintiff thereto. *Michael v. Smith*, 124 Md. 127.

An administrator *pendente lite* should have been appointed under this section where a caveat was filed before will was probated. *Tatem v. Wright*, 139 Md. 30.

This section has no application if will has been probated and letters testamentary granted although a caveat is subsequently filed. *Munnikhuysen v. Magraw*, 35 Md. 290; *Grill v. O'Dell*, 111 Md. 66; *Pacy v. Cosgrove*, 113 Md. 320.

Letters *pendente lite* are only granted in case of a contest over a will. Where such contest has been settled and until it is reopened, such letters are properly refused. *Munnikhuysen v. Magraw*, 57 Md. 195.

This section and sec. 70 mean that an administrator *pendente lite* shall remain in office until issue of letters testamentary or of administration. Reason for administration *pendente lite* and how long it continues. An appointment held in substantial conformity with this section. *Harrison v. Clark*, 95 Md. 311. And see *Hanna v. Munn*, 3 Md. 233; *Scofield v. Craddock*, 7 H. & J. 40.

An administrator *pendente lite* is subject to same general rules as other administrators; he may be required to pay decedent's debts and must collect and preserve assets. *Baldwin v. Mitchell*, 86 Md. 380. And see *Ex Parte Worthington*, 54 Md. 359; *Warfield v. Valentine*, 130 Md. 592.

An executor appointed administrator *pendente lite* held not entitled to additional compensation—see notes to sec. 6. *Renshaw v. Williams*, 75 Md. 506.

An appointment held to be in conformity with discretion vested in court by this section. *McIntire v. Worthington*, 68 Md. 208; *Cain v. Warford*, 3 Md. 462. And see *Estate of Colvin*, 3 Md. Ch. 297.

This section referred to in discussing the limited discretion vested in the orphans' court. *Georgetown College v. Browne*, 34 Md. 458.

See notes to sec. 70.

An. Code, sec. 69. 1904, sec. 68. 1888, sec. 69. 1798, ch. 101, sub-ch. 5, sec. 4. 1820, ch. 34, sec. 6.

70. In all cases where administration *durante minoritate*, or *pendente lite* shall be granted, the grant of letters testamentary or of administration shall operate as a revocation of such administration *durante minoritate*, or *pendente lite*. And upon such revocation, it shall be the duty of every administrator *durante minoritate*, or *pendente lite*, to exhibit to the orphans' court his accounts without delay, and to deliver to the executor or administrator, on demand, all the goods, chattels and personal estate in his possession belonging to the decedent; and on failure, his bond shall be liable to be put in suit by the executor or administrator; but all suits pending by or against any such administrator may be prosecuted or defended by the executor or administrator appointed to succeed him, in the same manner as hereinbefore provided where letters of administration have been revoked by the production of a will, and the grant of letters testamentary.

The duties of an administrator *pendente lite* are not co-extensive with those of an ordinary administrator; he cannot distribute and his letters are revoked by granting of letters testamentary or of administration. Having granted letters under a mistake of fact, or in ignorance of existence of a paper purporting to be a will, orphans' court may revoke them. Letters should have been revoked. *Burgess v. Boswell*, 139 Md. 679.

This section referred to in construing sec. 69—see notes thereto. *Baldwin v. Mitchell*, 86 Md. 380. And see *Warfield v. Valentine*, 130 Md. 592.

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