

Administration Durante Minoritate.

An. Code, 1924, sec. 68. 1912, sec. 67. 1904, sec. 66. 1888, sec. 67. 1798, ch. 101, sub-ch. 3, sec. 20.

71. 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, 1924, sec. 69. 1912, sec. 68. 1904, sec. 67. 1888, sec. 68. 1810, ch. 34, sec. 6. 1894, ch. 107.

72. 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. 22 and 24. Notice of probate of will need only be given where none of near relatives of the decedent are present at probate. *Daughtery v. Daughtery*, 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.

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. 73 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. 8. *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. 73.

An. Code, 1924, sec. 70. 1912, sec. 69. 1904, sec. 68. 1888, sec. 69. 1798, ch. 101, sub-ch. 5, sec. 4. 1820, ch. 34, sec. 6.

73. In all cases where administration *durante minoritate*, or *pendente lite* shall be granted, the grant of letters testamentary or of administra-