

An administrator *d. b. n.* can only proceed for recovery of money in hands of former administrator after obtaining an order of court under this section, and declaration must so allege. *Green v. Hart*, 57 Md. 236; *Johnson v. Farmers' Bank*, 11 Md. 414. Cf. *Lemmon v. Hall*, 20 Md. 171.

This section authorizes making administrators *d. b. n.* parties defendant, and continuing against them a suit instituted against deceased administrator where such deceased administrator in his representative character had money in his hands belonging to plaintiff. *De Valengin v. Duffy*, 14 Pet. 282.

To what this section extends. This section referred to in construing sec. 74—see notes thereto. *Morrow v. Fidelity Co.*, 100 Md. 262; *Sibley v. Williams*, 3 G. & J. 64; *Neale v. Hagthorp*, 3 Bl. 563.

Cited but not construed in *In re Estate Baxley*, 47 Md. 560; *Scott v. Fox*, 14 Md. 398. See notes to secs. 13 and 74.

An. Code, 1924, sec. 74. 1912, sec. 73. 1904, sec. 72. 1888, sec. 73. 1820, ch. 174, secs. 4, 5.

77. The administrator of the deceased administrator shall return upon oath to the court, on or before the day named in the order aforesaid, a list of the notes, bonds, accounts and money aforesaid, as far as he can ascertain the same; and when collected, they, or the money paid over to him shall be assets in the hands of the administrator *de bonis non*, to be accounted for by him as such.

Cited but not construed in *In re Estate Baxley*, 47 Md. 560. See notes to secs. 13 and 74.

An. Code, 1924, sec. 75. 1912, sec. 74. 1904, sec. 73. 1888, sec. 74. 1820, ch. 174, sec. 6.

78. If the administrator of a deceased administrator shall return such list, he shall be entitled to retain out of the money, bonds, notes and accounts, such commission as the court shall, in their discretion allow, not exceeding ten per cent. on the principal inventory, to be accounted for by him in the settlement of the estate of his decedent. And if he refuse or neglect to return such list, no deduction shall be made on account of such commission from the damages to be recovered by the administrator *de bonis non*; but he shall be bound to account for the commission so lost by his default in the settlement of his decedent's estate, or his bond shall be liable to be sued therefor.

This section referred to in construing sec. 5. Commissions for partial administration. *In re Estate Baxley*, 47 Md. 559; *Parker v. Gwynn*, 4 Md. 425; *McPherson v. Israel*, 5 G. & J. 64.

See notes to sec. 5.

An. Code, 1924, sec. 76. 1912, sec. 75. 1904, sec. 74. 1888, sec. 75. 1798, ch. 101, sub-ch. 3, sec. 10.

79. Every bond executed by an executor, administrator, administrator *de bonis non*, administrator *durante minoritate*, administrator *pendente lite*, or collector, as herein directed, shall be recorded in the office of the register of wills where administration is granted; and any person conceiving himself interested in the administration of the estate shall be entitled to and have, on demand, a copy of such bond, and a certificate from the register, under his hand and the seal of his office, upon which copy and certificate an action may be maintained in the name of the State for the use of the party interested, and judgment may be recovered upon such action for the damage actually sustained.

This section referred to in construing sec. 52—see notes thereto. *State v. Boyd*, 2 G. & J. 373.

As to the bonds of administrators, see sec. 52.