

Id s 56
1798, c 101,
sub-c 4, s 5
Evidence of
unsound mind
2s Md 408.

Proceedings

Id s 57
1798, c 101,
sub-c 4, s 6
Allegation of
being under
age

Id s 58
1798, c 101,
sub-c 4, s 8
Married woman
not entitled to
letters unless
bond given by
husband
8 Md 517.

Id s 59
1798, c 101,
sub-c 4, s 7
Bond of execu-
tor above eigh-
teen and under
twenty-one
years

Art. 91 s 1
1829, c 216, s 1
Securities or
counter-securi-
ties, etc., of
executor or
administrator,
may have coun-
ter-security.

Administrator
failing to give,
letters may be
revoked

Administrator
to deliver prop-
erty to new
administrator.

Delivery, how
compelled.

64. Any inquisition of a jury on a writ issued from a court of equity finding the party an idiot, lunatic, or *non compos mentis*, and confirmed by the court, shall be conclusive evidence of the unsound mind of the party; and if such inquisition shall not have been had at the time when administration ought to be granted, a writ *de lunatico inquirendo* may issue by the Circuit Court or Orphans' Court on the petition to either of said courts of any person interested; and the finding of the jury that the party is an idiot, lunatic, or madman, or *non compos mentis*, thereon returned and confirmed by the court, shall be conclusive against the party, and a certificate from the clerk of the court, under seal, stating the substance of the proceedings, shall be evidence in the Orphans' Court, who may thereon proceed as if the party had not been named in the will.

65. When a person named in a will as executor shall be alleged to be under the age of eighteen years, it shall be incumbent on the person making the allegation to establish the same by such proof as is usually required in such cases.

66. No married woman shall be entitled to letters testamentary, but the same, or letters of administration, shall be granted in the same manner as if she had not been named in the will, unless her husband, with two sureties, give bond as aforesaid for her faithful performance, and the bond of any executrix who is unmarried and above eighteen, given as aforesaid, shall be binding in the same manner as if she were of the full age of twenty-one years.

67. In case letters testamentary shall be granted to an executor above eighteen and under twenty-one years of age, the bond by him executed for faithful performance shall be binding as if he were of full age.

COUNTER SECURITY.

68. If any security or any counter-security of an executor or administrator, or any person interested in the estate of any such security or counter-security, shall conceive himself in danger of suffering from the securityship, he may apply to the Orphans' Court which granted the administration, and the said court may require the party to give counter-security, to be approved by the court, and if the party when so required shall not, within a reasonable time, fixed by the court, give such counter-security, the court may revoke his letters and appoint a new administrator, and if the administrator whose letters are revoked shall not, within a reasonable time, to be fixed by the court, deliver over to such new administrator all the property of the decedent remaining in his hands unadministered, and also all the books, bonds, notes, and evidences of debt, which belong to or are due to the decedent, or which have been by him taken as executor or administrator since the death of the decedent, in his possession, and also pay over to such new administrator all the money due by him as executor or administrator of the decedent, the court may compel the delivery and payment over by attachment