

The act of 1876, ch. 295, held not to affect rights vested by death of intestate prior to its passage. History of this section Under this section state takes as trustee just as any other distributee. *Rock Hill College v. Jones*, 47 Md. 14; *Patapsco Institute v. Rock Hill College*, 51 Md. 476.

This section referred to in connection with sec. 243—see notes thereto. *Savings Bank of Baltimore v. Weeks*, 110 Md. 94.

For a case construing this section prior to act of 1876, ch. 295 (now inapplicable by reason of said act), see *Patapsco Institute v. Rock Hill College*, 51 Md. 475. And see *Thomas v. Frederick County School*, 7 G. & J. 383.

An. Code, sec. 136. 1904, sec. 135. 1888, sec. 136. 1729, ch. 24, sec. 20. 1878, ch. 316.

141. If any legal representative shall appear after payment has been made under the preceding section, the board of county school commissioners receiving such payment shall pay the same to such representative; but no collateral more remote than brothers' and sisters' children shall claim under this section.

The expression "brother's and sister's children" is apparently used to express degree of relationship between claimant and intestate necessary to support proceeding to recover money paid state; where intestate and claimants are brother's and sister's children, they are within this description. See notes to sec. 140. *Dombrovski v. Baltimore*, 141 Md. 424.

An. Code, sec. 137. 1904, sec. 136. 1888, sec. 137. 1798, ch. 101, sub-ch. 11, sec. 16.

142. In case the surplus remaining in the administrator's hands, after payment of all just debts exhibited and proved, or notified and not barred, or after retaining for the same, shall consist of specific property or articles mentioned in the inventory or inventories, the administrator, if he can not satisfy the parties, may apply to the court to make distribution, and the court may appoint a day for making distribution, and by summons call on the said parties to appear; and the said court may, at the appointed time, proceed to distribute. But if a majority in point of value shall neglect to appear, or appearing shall object to the distribution of the articles; or if the court shall deem a sale of the said articles, or any part of them, more advantageous, a sale shall be directed accordingly, and the rules herein laid down relative to a sale by order of the said court shall be observed.

Unless this section or secs. 143 or 148 is complied with, no *ex parte* distribution will afford protection to administrator. *Alexander v. Leakin*, 72 Md. 204; *Hoffman v. Hoffman*, 88 Md. 62; *Shriver v. State*, 65 Md. 282; *Wilson v. McCarty*, 55 Md. 283; *Smith v. Stockbridge*, 39 Md. 645; *Donaldson v. Raborg*, 26 Md. 327; *Hanson v. Worthington*, 12 Md. 441.

Under this section and sec. 243, orphans' court has power to divide leasehold property among the parties entitled although some of them may be infants. Procedure. *Williams v. Holmes*, 9 Md. 287.

Until there is a complete distribution, orphans' court has jurisdiction to order sale of the property for final distribution. When there has not been complete distribution. *Woelfel v. Evans*, 74 Md. 349. And see *Scott v. Fox*, 14 Md. 395.

A sale directed by the orphans' court held to be authorized by this section. *Crawford v. Blackburn*, 19 Md. 42.

This section referred to as showing that it is not duty of executor to reduce assets to cash. *Evans v. Iglehart*, 6 G. & J. 192. (And see note (i) to this case.)

This section referred to as indicating that a final account so far as debts are concerned must be stated before orphans' court can order legacies paid, or distribution made. *Lowe v. Lowe*, 6 Md. 354. Cf. *Clarke v. Sandrock*, 113 Md. 426.

This section referred to in construing sec. 71—see notes thereto. *Smith v. Dennis*, 33 Md. 449.

Cited but not construed in *Myers v. Safe Deposit Co.*, 73 Md. 424; *Donaldson v. Raborg*, 28 Md. 56.

See notes to secs. 143 and 148.