

## ARTICLE 46.

### INHERITANCE.

#### Descents.

8. Commissioners, how appointed; oath.

1.

This section referred to in construing Trading with Enemy Act. *Von Schwerdtner v. Piper*, 23 F. (2nd), (Dist. Ct. Md.), 865.  
See notes to art. 93, sec. 135.

6.

A child born out of wedlock but legitimated in another state, has rights of child born in wedlock as to inheritance. Such child within power of appointment. *Comity. Holloway v. Safe Dep. & Tr. Co.*, 151 Md. 335.

#### Division and Election.

An. Code, 1924, sec. 8. 1912, sec. 32. 1904, sec. 32. 1888, sec. 32. 1820, ch. 191, secs. 8, 13, 43, 45, 46, 47. 1929, ch. 328.

8. If the parties entitled to the intestate's estate cannot agree upon the division thereof, or if any person entitled to any part be a minor, an application may be made to the Circuit Court for the county where the estate lies, or if the land lies in different counties, to the Circuit Court for the county where the greater part of the land lies, or if the land lies in the City of Baltimore, then to the Superior Court or Circuit Court or Circuit Court No. 2 of said city; and the Court shall appoint and issue a commission of five discreet, sensible persons, to be commissioners, authorizing and empowering them, or a majority of them, to proceed in the premises according to the directions of this Article, and in all respects conform to and comply with the provisions hereof; and the said commissioners, or a majority of them, before they proceed to act, shall severally take an oath (to be annexed to the said commission), before some justice of the peace for the county or city, or other person authorized to administer an oath, well and faithfully to perform the duties required of them by the commission, without favor, partiality or prejudice, and according to the best of their judgment and understanding.

To fourth note, page 1712. vol. 1, of Code, add *Ruhl v. Wagner*, 146 Md. 599 (bill defective).

10A.

See art. 72A.

Ch. 527 of acts of 1929 authorized the Governor to appoint a commission to revise the laws of inheritance and to submit report not later than Dec. 1, 1930.