

5. Practice of Orphans' Court of approving inventories in which whole estate is returned regardless of liens and claims, and of fixing commissions based on inventory, not at variance with statutes—assets outside of state. Discretion of Orphans' Court in fixing commissions. *York v. Md. Trust Co.*, 150 Md. 358.
 Discretion of Orphans' Court in fixing commissions; no appeal. *Brown v. Tydings*, 149 Md. 25.
 Allowance of counsel fees out of estate under this section, when justified. *Mudge v. Mudge*, 155 Md. 3.
 As to tax on commissions of executors and administrators, see art. 81, sec. 101, *et seq.*

7. Executor or administrator may, within certain limits, delegate his authority to agent. Power of attorney not waiver of right to serve. *Mobley v. Mobley*, 149 Md. 407.

11. To the fourth note to this section, page 2870, vol. 2, of Code, add *Fulford v. Fulford*, 153 Md. 89.

12. Repealed by ch. 485 of the Acts of 1927.

Administration.

14. This section referred to *re* jurisdiction in divorce case—see notes to art. 16, sec. 37. *Lowe v. Lowe*, 150 Md. 603.

Meaning of "residence"; appeal. To first note to this section, page 2871, vol. 2, of Code, add *Pattison v. Firor*, 146 Md. 247.

16. In a collateral proceeding to which administrator is not a party, finding of Orphans' Court as to date of death of decedent neither binds parties nor is *prima facie* evidence of such fact; possible exceptions. See notes to sec. 243. *English v. United States*, 25 F. (2nd), (Dist. Ct. Md.), 335.

17. See notes to sec. 53.

21. Where intestate's next of kin are brother and half-sister, brother's appointment not subject to appeal if he possesses requisite qualifications. See secs. 23 and 24. *Mobley v. Mobley*, 149 Md. 404.

22. Where there is brother, niece and nephew not entitled unless brother incompetent or declined to administer. *Mobley v. Mobley*, 149 Md. 404.

23. See notes to sec. 21.

24. See notes to sec. 21.

31. "Incapacity" under this section is statutory incapacity. See notes to sec. 53. *Mobley v. Mobley*, 149 Md. 408.