

annum, payable in monthly instalments at the end of each and every month by the Mayor and City Council of Baltimore.

1912, ch. 167. 1922, ch. 331.

353A. Every executor or administrator within ninety days after the grant of letters, shall pay, out of the first moneys received by him, after the first cost of letters of administration, and after all taxes due from his decedent shall have been paid or determined, the funeral expenses of his decedent, to be allowed in the discretion of the Orphans' Court according to the condition and circumstances of the deceased, in no event to exceed \$300.00, except by special order of court, and provided the estate of the decedent be solvent, and the same shall be preferred to all debts and claims against the deceased, except for taxes due and in arrears from the decedent. If the said funeral expenses be not paid within ninety days after the grant of letters testamentary or of administration, the person or corporation having a claim for such funeral expenses may present to the Orphans' Court a petition verified by oath praying that the executor or administrator may be cited to show cause why he should not be required to make such payment, and a citation shall be issued accordingly. If upon the return of said citation it shall appear that the executor or administrator has received moneys belonging to the estate, which are applicable to the payment of the claims for funeral expenses, the Orphans' Court shall, unless the validity of the claim admitted by such executor or administrator, take proof as to the amount and validity of the claim, and if satisfied that such claim is valid, shall fix and determine the amount due thereon, and shall make an order directing the payment within ten days after the date of such order and service of a copy thereof upon such executor or administrator of such claim or such proportion thereof as the money in the hands of the executor or administrator applicable thereto may be sufficient to satisfy. If it shall appear that no money has come into the hands of the executor or administrator, the proceedings shall be dismissed without costs in the discretion of the Court and without prejudice to a further application or applications showing that since such dismissal the executor or administrator has received money belonging to the estate. Such application shall be made upon a petition verified by oath stating the facts upon which the belief of the petitioner, that there are moneys in the hands of such executor or administrator applicable to the payment of his claim, is based. Upon such further application the issuance of the citation shall be in the discretion of the Orphans' Court, and no such application shall be made less than three months after the denial of any previous application. If upon any accounting it shall appear that an executor or administrator has failed to pay a claim for funeral expenses, the amount of which has been fixed and determined by the Orphans' Court as above set forth or upon such accounting he shall not be allowed for the payment of any debt or claim against the decedent until said claim for funeral expenses has been discharged in full; and upon failure of any executor or administrator to pay any claim for funeral expenses, after an order so to do, he may, upon application, be removed.