

just claims. If there be not sufficient to discharge all such judgments and decrees, a proportionate dividend shall be made between the judgment and decree creditors.

Practice of Orphans' Court of approving inventories in which whole estate is returned regardless of liens and claims, and of fixing commission 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.*

Counsel fees will not be allowed widow, who secured appointment as administratrix without notice to children of her husband who were also eligible for appointment, in opposing petition of children for revocation. Counsel fees not allowed widow in seeking reappointment, although reappointed, after revocation. *Horton v. Horton*, 158 Md. 634.

This section referred to relative to the discretion of courts to fix the commissions to be allowed trustees. *Schloss v. Rives*, 162 Md. 346.

This section referred to in construing art. 81, sec. 101. *Downes v. Safe Dep. & Tr. Co.*, 164 Md. 301.

1933, ch. 69.

5A. Whenever any married woman dies, or shall have died, her estate, providing it be solvent, shall be liable for the payment of her funeral expenses, to be allowed in the discretion of the Court according to the conditions and circumstances of the deceased, not to exceed Three Hundred (\$300) Dollars, except by special order of court. It shall be the duty of the executor or administrator of such a deceased wife's estate to pay said funeral expenses out of her estate and to thereafter collect from the deceased wife's surviving husband a sum sufficient to reimburse said decedent's estate for the amount so paid out of it to cover said funeral expenses. The provisions of this sub-title are not intended to relieve a surviving husband of his liability for the payment of his deceased wife's funeral expenses, but is intended to make a deceased wife's estate, providing it be solvent, a primary source from which her funeral expenses may be paid.

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.