

ARTICLE 46.

INHERITANCE.

Descents.

8. Commissioners, how appointed; oath.

1.

This section referred to in construing Trading with Enemy Act. *Von Schwertdner v. Piper*, 23 F. (2nd), (Dist. Ct. Md.), 865.

This section referred to in construing sec. 105 of art. 81. *Darnall v. Connor*, 161 Md. 219.

Cited but not construed in *Brannan v. Ely*, 157 Md. 103.

See notes to art. 16. sec. 233.

See notes to art. 93. sec. 135.

2.

Only value of dower in real estate subject to federal estate tax. *Tait v. Safe Deposit & Trust Co.*, 70 Fed. (2nd), 79.

Cited but not construed in *Scher v. Becker*, 163 Md. 203.

3.

See notes to sec. 2.

4.

Cited but not construed in *Scher v. Becker*, 163 Md. 203.

See notes to sec. 2.

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