

shall appear to the court to be insufficient; and if so it shall be reckoned in the commission to be allowed by the court.

This section does not apply unless bequest is expressly made in lieu of compensation as executor, and even then discretionary power is left in orphans' court provided the maximum of ten per cent. be not exceeded. *Handy v. Collins*, 60 Md. 231.

This section presents only exception to power of orphans' court to fix commissions, within limits prescribed by sec. 5. *In re Watts*, 108 Md. 698.

A legacy held to have been given in lieu of commissions. This section construed in connection with sec. 5. An executor held not to be entitled to additional compensation because a portion of estate passed through his hands as administrator *pendente lite*. *Renshaw v. Williams*, 75 Md. 505.

Cited but not construed in *Beachley v. Estate of Bollinger*, 119 Md. 157.

An. Code, 1924, sec. 7. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1823, ch. 131, sec. 1.

9. The orphans' courts are hereby authorized, wherever they are satisfied that an agent has been employed in the administration of an estate, to examine such agent on oath, touching all proceedings which may have taken place relative to the administration of the estate in which such agent may have been employed, in like manner as they are authorized to examine administrators.

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.

An. Code, 1924, sec. 8. 1924, sec. 8. 1904, sec. 8. 1888, sec. 8. 1820, ch. 174, sec. 7.

10. Every administrator may, within one year after the date of his letters, return to the orphans' court a list of the debts due from his decedent, which may be made known to him, stating the principal and the time at which interest is to commence on each respective debt—to which list of debts shall be annexed the oath of the administrator that the same is a correct list of the debt due from his decedent, so far as the said debts have come to his knowledge; and every six months thereafter, until the estate may be finally settled, a similar return may be made of such debts as shall come to the knowledge of the administrator within that period—which list of debts shall be recorded by the register of wills and a copy thereof certified under the hand of the register, and the seal of his office shall be *prima facie* evidence of the amount of debts due by the decedent in any court where the administrator alleges that he has not assets sufficient to discharge the claim in controversy, or any part thereof.

An. Code, 1924, sec. 9. 1912, sec. 9. 1904, sec. 9. 1888, sec. 9. 1820, ch. 174, sec. 8.

11. Such lists shall not afford any evidence of the justice or correctness of any claim therein when controverted by the administrator in any suit instituted for the recovery of such debt, nor shall the same be construed to take any debt out of the operation of any plea of limitation.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1798, ch. 101, sub-ch. 10, sec. 11.

12. Whenever, under the provisions of a will, it shall be necessary for an executor or an administrator *cum testamento annexo* to retain in his hands the personal estate, or any part thereof, after all just claims are discharged, as where money or some other thing is directed to be paid at a distant period, or upon a contingency, any court of equity in the city or county, or the orphans' court shall have the power, on the application of such executor or administrator, or of a party interested, to decree or give directions thereto; and it shall be the duty of such executor or administrator to apply to the said court of equity or the orphans' court;