otherwise such judgments shall have the conclusive effect of ordinary judgments. After substitution of the supposed decedent as defendant in any case of judgments as aforesaid, it shall become a lien upon his property in the same manner as other judgments. (g) Costs incident to the grant of letters hereunder shall be paid out of the estate of the supposed decedent, and where the application is denied, they shall be paid by the applicant.

Power of the orphans' court.

The Orphans' Court has authority to pass orders relating to the settlement and distribution of estates and unless appealed from, such orders cannot be attacked by sending to a court of law to be answered by a jury. Goldsborough *v.* De Witt, 169 Md. 473.

This section constitutes affirmative limitation upon power of Orphans' Courts to determine question of title as between administrator and separate claimant. Talbot Packing Corp. *v.* Wheatley, 172 Md. 370.

Where administrator distributes estate improperly, proper distributees may maintain action on bond without previous finding by Orphans' Court as to wrongful distribution. State *v.* Swift, 170 Md. 105.

Cited but not construed in Baldwin *v.* Hopkins, 172 Md. 226.

The orphans' court has power under this section and sec. 245 to determine question of ademption of legacy; and also questions of advancement, and of what are assets, and who are legatees and next of kin, and what is given them by will; some of which questions necessarily involve construction of the will. Gallagher *v.* Martin, 102 Md. 118; Wilson *v.* McCarty, 55 Md. 283; Pole *v.* Simmons, 45 Md. 249; Belt *v.* Blackburn, 28 Md. 243; Blackburn *v.* Craufurd, 22 Md. 465; Kennaday *v.* Sinnott, 179 U. S. 614. *Cf.* Ramsey *v.* Welby, 63 Md. 588; State *v.* Warren, 28 Md. 356; Redwood *v.* Howison, 129 Md. 592.

An application for letters is one over which orphans' court has full jurisdiction under this section. Prosecution for perjury. State *v.* Mercer, 101 Md. 540.

Under this section and sec. 145 orphans' court has power to divide leasehold property among parties entitled although some of them are infants. Williams *v.* Holmes, 9 Md. 287.

The orphans' court has power to determine whether a widow takes an interest in her deceased husband's estate notwithstanding a divorce *a mensa;* and if so, what interest she takes. Hokamp *v.* Hagaman, 36 Md. 518.

The powers of orphans' court are adequate to protect the interest of those concerned in faithful performance of duties of an administrator; there is, therefore, no ground for interference of equity. Lee *v.* Price, 12 Md. 256; Crothers *v.* Crothers, 121 Md. 119.

The orphans' court has power under this section and sec. 245 to entertain a petition charging that an administrator has received money for which he has failed to account, and praying for an account. Cummings *v.* Robinson, 95 Md. 87; Muncaster *v.* Muncaster, 23 Md. 288; Crothers *v.* Crothers, 121 Md. 119.

The orphans' court has jurisdiction under this section and sec. 245 where petition prays a rescission of an order passing administration account, and that account be re-stated. Stonesifer *v.* Shriver, 100 Md. 28.

If an administrator is guilty of fraud, or fraudulently withholds money, this section confers jurisdiction upon orphans' court to remove administrator. Fraud not proven. Purpose of this section. Jones *v.* Harbaugh, 93 Md. 282; Carey *v.* Reed, 82 Md. 396.

Under this section court has power to revoke letters and appoint new personal representative; this is true although administration be an ancillary one. Dalrymple *v.* Gamble, 66 Md. 305; Raborg *v.* Hammond, 2 H. & G. 42.

Although where a question of title to real estate is involved, the matter is beyond the jurisdiction of orphans' court, that court has the power to determine who are next of kin, and if ultimate distribution of property is controlled by sec. 340, orphans' court has jurisdiction. Necessary and proper parties to proceedings in orphans' court. McComas *v.* Wiley, 132 Md. 410.

The orphans' court has no jurisdiction to administer a continuing trust; it is, however, for most purposes forum in which to settle estates of decedents. It cannot be said generally that orphans' court has no power to construe wills, since that would be to deny it power to approve an administration account by which payments of legacies are made. To give equity jurisdiction, some special circumstances must appear, such as a trust devolved on a trustee about which he is doubtful. The termination *vel non* of a trust may present questions of extreme difficulty, and orphans' court has no authority to adjudicate such questions, they being vested solely in equity courts. Hagerstown Trust Co., Executor of Mealey, 119 Md. 232; Redwood *v.* Howison, 129 Md. 592.

The orphans' court has adequate power and jurisdiction in every case in which their general powers enable them to act; extent of such powers. The court may determine the question of when an additional or amended inventory or appraisement of real estate should be had and hear evidence in relation to it. The orphans' court, however, has no power to determine question of title to real estate. See notes to art. 81, sec. 115.

Wingert *v.* State, 125 Md. 541.