

personal property save those provided for by sec. 253. Purpose of this section. *Fowler v. Brady*, 110 Md. 207.

This section distinguished from sec. 253. The allegation of "concealment" is essential to jurisdiction under this section. What amounts to concealment? *Taylor v. Bruscup*, 27 Md. 225; *Linthicum v. Polk*, 93 Md. 91.

Where a mortgagor dies, and subsequently his executor dies, an administrator *d. b. n.* should be appointed under sec. 74. If one of mortgagor's children is concealing information concerning mortgagor's estate, the mortgagee's remedy is under this section, and he need not go into equity. *Macgill v. Hyatt*, 80 Md. 257.

Cited but not construed in *Hignutt v. Cranor*, 62 Md. 219; *Mobley v. Mobley*, 149 Md. 410 (see notes to sec. 56).; *Marbury v. Ward*, 163 Md. 334.

See notes to secs. 235, 253 and 254.

An. Code, 1924, sec. 253. 1912, sec. 244. 1904, sec. 243. 1888, sec. 239. 1831, ch. 315, sec. 13.

253. The provisions of the foregoing section are extended to all cases where any person interested in any decedent's estate shall by bill or petition allege that the administrator has concealed, or has in his hands and has omitted to return in the inventory or lists of debts any part of his decedent's assets; and if the court shall finally adjudge and decree in favor of the allegations of such petition or bill, in whole or in part, they shall order an additional inventory, or list of debts, as the case may be, to be returned by the administrator, and appraisement to be made accordingly, to comprehend the assets omitted; and such additional inventory or list of debts shall have the same effect to all intents and purposes as any inventory or list of debts before returned; and the court may compel obedience to the said order by attachment and imprisonment and sequestration of property; and if the said administrator shall, either before or after such process of attachment, imprisonment and sequestration, fail to comply with such order, his letters of administration may be revoked, and the court may direct his bond to be put in suit; and the assets ordered to be comprised in such additional inventory or list of debts shall be decreed and taken to be within the condition of said bond.

Orphans' Court has authority under this section and sec. 270 to compel obedience to its order and to revoke letters; effect of final account. *Marx v. Reinecke*, 145 Md. 320.

Cited but not construed in *Marbury v. Ward*, 163 Md. 334; *Harlan v. Lee*, 174 Md. 586; *Frank et al. v. Warehime*, Daily Record, July 7, 1939.

In absence of fraud or bad faith, letters should not be revoked until administratrix has failed to comply with order directing return of property belonging to estate; where administrator claims property as his own, title to which is found to be in him as administrator, is not in itself sufficient ground for removal. *Kerby v. Peters*, 172 Md. 6, 10.

Orphans' Court does not have jurisdiction to determine questions of title to personal property except under this section where interested party charges administrator with concealing or having property of estate which he omitted from inventory. *Talbot Packing Corp. v. Wheatley*, 172 Md. 370.

In proceedings in Orphans' Court for revocation of letters, held that stay should have been granted pending suit in equity to determine conflicting claims to property. *Noel v. Noel*, 173 Md. 147.

A petition held not to bring a case within this section, and hence right of appeal is not limited by sec. 254. A petition could have been filed under this section and jurisdiction of orphans' court could not have been ousted by denying that title of the fund was in estate. The orphans' court has jurisdiction to determine title to personal property in a proceeding under this section in so far as persons interested in estate and administrator are concerned; court has no jurisdiction as between an administrator and a third person claiming title to the property. Correction of inventory. *Pratt v. Hill*, 124 Md. 256.

Necessary allegations and proof to make out a case against an administrator under this section. Collusion. Sec. 245 held to have no application. *Hignutt v. Cranor*, 62 Md. 219.

The only instance in which orphans' court can determine questions of title to personal property is as pointed out in this section. How other questions of title to personal property may be determined. *Fowler v. Brady*, 110 Md. 208; *Daugherty v. Daugherty*, 82 Md. 231; *Gibson v. Cook*, 62 Md. 260.

Under this section orphans' court has jurisdiction where a petition alleges that one of two executors has omitted to return certain property in inventory, and to return in list of debts certain money which came into executor's hands before testator's death.