

The power of the orphans' court to pass accounts prior to their payment is derived from this section. *Stevenson v. Schriver*, 9 G. & J. 336.

Scope and purpose of the clause of this section giving the orphans' court power "to administer justice in all matters relating to deceased persons." *Macgill v. Hyatt*, 80 Md. 256.

This section gives no jurisdiction to the orphans' court where a caveat is filed before probate, to allow the caveator counsel fees although the caveat is successful. *Koenig v. Ward*, 104 Md. 565. And see *Harrison v. Clark*, 95 Md. 313; *Miller v. Gehr*, 91 Md. 714; *Dalrymple v. Gamble*, 68 Md. 165; *Townshend v. Brooke*, 9 Gill, 91; *Tilghman v. France*, 99 Md. 616. *Cf. ex parte Young*, 8 Gill, 285.

Persons absent and unheard of for above seven years.

The portion of this section dealing with persons absent and unheard of for above seven years, is constitutional, and need not remain dormant for seven years before becoming operative. Applications for letters may be oral as well as written. Application held sufficient, and applicant proper. *Savings Bank of Baltimore v. Weeks*, 110 Md. 86.

Unless the requirements of the portion of this section dealing with persons absent and unheard of for above seven years are complied with, the orphans' court has no power to grant letters. Who may ask for a revocation of such letters? *Lee v. Allen*, 100 Md. 9 (decided prior to the act of 1908, ch. 125).

The act of 1896, ch. 246, held void as in conflict with the Maryland Declaration of Rights and the federal constitution. *Savings Bank of Baltimore v. Weeks*, 103 Md. 602.

As to conveyances by the husband or wife of a person unheard of for seven years, see art. 45, sec. 13.

Generally.

What is meant by the probate of a will, and what is necessary thereto? *Tilghman v. France*, 99 Md. 615.

This section construed in connection with section 35—see notes thereto. *Dalrymple v. Gamble*, 66 Md. 313.

This section referred to in construing section 244—see notes thereto. *Linthicum v. Polk*, 93 Md. 94.

This section referred to in construing section 143—see notes thereto. *Alexander v. Leakin*, 72 Md. 202.

Cited but not construed in *Campbell v. Porter*, 162 U. S. 483; *Nicholls v. Hodges*, 1 Pet. 562.

See notes to sections 236 and 345.

1904, art. 93, sec. 235. 1888, art. 93, sec. 231. 1860, art. 93, sec. 231. 1798, ch. 101, sub-ch. 15, sec. 12.

236. The orphans' court shall have full power, authority and jurisdiction to examine, hear and decree upon all accounts, claims and demands existing between wards and their guardians, and between legatees or persons entitled to any distributive share of an intestate's estate, and executors and administrators, and may enforce obedience to and execution of their decrees in the same ample manner as the courts of equity in this State. They shall keep a seal for their several courts, and for the office of the register of wills of their county; and the said seal shall be affixed to all certificates of the court or of the register, and to every process and writ issued from the court.

This section gives the orphans' court jurisdiction to determine whether the widow has made a selection of property under section 308, and if so, whether such selection is valid. *Crow v. Hubbard*, 62 Md. 565.

The orphans' court has power under this and the preceding section to compel the executor of a deceased executor, to account for money belonging to the first executor's decedent—see section 11. *Hignutt v. Cranor*, 62 Md. 216; *Muncaster v. Muncaster*, 23 Md. 288.