

belonging to the deceased, or received in discharge of debts due to the deceased.

An. Code, sec. 216. 1904, sec. 215. 1888, sec. 213. 1798, ch. 101, sub-ch. 6, sec. 10.

223. Whenever personal property of any kind, or assets not mentioned in any inventory already made, shall come to the possession or knowledge of an administrator or collector, an account or inventory of the same shall be returned, appraised by two respectable disinterested sworn appraisers appointed by any justice of the peace or judge of the orphans' court, within two calendar months from the time of the discovery.

Where a creditor claims that property belonging to a decedent is not included in inventory, his remedy is to file a petition against administrator. *Fowler v. Brady*, 110 Md. 210.

An. Code, sec. 217. 1904, sec. 216. 1888, sec. 214. 1798, ch. 101, sub-ch. 6, sec. 11.

224. In case an inventory be returned by a collector duly appointed, the administrator thereafter administering shall, within three months after the date of the letters, either return a new inventory in place of the collector's inventory or an acknowledgment in writing that he has received from the collector the articles contained in the first inventory, or consent to be answerable for the same as if the said inventory had been made out after his administering upon the estate; but nothing herein contained shall be construed to render an administrator answerable for not making a return of the inventory aforesaid, when it shall appear to the court that he has been prevented from making such return by the improper detention of the goods of the deceased by the collector.

An. Code, sec. 218. 1904, sec. 217. 1888, sec. 215. 1798, ch. 101, sub-ch. 6, sec. 13.

225. If an executor or administrator shall not, within three months after the date of his letters, exhibit to the orphans' court an inventory as aforesaid, a summons returnable within not less than eight nor more than thirty days, may, *ex officio*, or on the application of a person interested, be issued against such administrator, to show cause wherefore such inventory hath not been exhibited; and if the summons be duly returned "summoned," or upon two citations returned "*non est*" by the sheriff of the county wherein the party resided at the time of obtaining his letters, or of the county wherein the letters were obtained, in case the party doth not reside in the State, and if he doth not appear at the return of the summons, or appearing, shall not show cause satisfactory, the court may immediately enter on its proceedings and record that the letters be revoked, and may proceed to grant other letters in the same manner as if such executor had not been named in the will, or as if such administrator was not in existence; and the power of such executor or administrator shall thereupon cease, and he shall be bound to deliver up, on demand, to the person obtaining such letters, all the property of the decedent in his hands, or be liable to be sued by such person on his administration bond, and the court may pass an order for the purpose.

This section referred to in determining the authority of an administrator *d. b. n.*—see notes to sec. 71. *United States v. Walker*, 109 U. S. 258.