Sales duly made by an executor under a power given by the will are good until the actual or implied revocation of his letters, and the fact that a caveat has been filed before the ratification of the sale, does not alter the rule. In case of subsequent revocation, the proceeds of sale would be turned over to his successor. Pacy *v.* Cosgrove, 113 Md. 318; Seldner *v.* McCreery, 75 Md. 295.

Cited but not construed in Georgetown College *v.* Browne, 34 Md. 455.

1904, art. 93, sec. 37. 1888, art. 93, sec. 38. 1860, art. 93, sec. 38. 1798, ch. 101, sub-ch. 14, sec. 1. 1874, ch. 402.

37. If any person entitled to administration shall deliver or transmit to the orphans' court a declaration in writing that he is willing to decline the trust, the court shall proceed as if such person were not entitled; and in any case in which letters testamentary or of administration have been or may hereafter be granted to any person, either as sole executor or administrator, or as executor or administrator to act in conjunction with another person or with other persons, and such executor or administrator shall be desirous to retire from and resign such appointment after he shall have accepted the same, said executor or administrator may exhibit his petition *ex parte* in the court by which said letters were granted, accompanied by a full and particular account under oath of his or her receipts and disbursements, if any, as such executor or administrator; and the said court upon the filing of such petition and accounts shall have jurisdiction in the premises, and shall cause notice to be given by publication in one or more papers of the city or county where such letters were granted, and for such time as the said court may deem proper, of the filing of said petition; and if no good cause shall be shown to the contrary, by the day that may be limited in that behalf in said notice, the said court shall release and discharge the said executor or administrator from the further performance of the duties of said appointment, and may pass such order as to costs and commissions and impose such terms in other respects as the nature of the case may require; provided, that such executor or administrator and his sureties shall not, by such discharge, be released from liability to any person in interest for past acts, defaults or omission of duty.

This section does not mean that the right to letters may not be waived or lost, otherwise than by written renunciation. Waiver or estoppel. McColgan *v.* Kenny, 68 Md. 260; Pollard *v.* Mohler, 55 Md. 289. *Cf.* McIntire *v.* Worthington, 68 Md. 208.

A letter of a party entitled recommending a stranger, held to amount to a renunciation. Carpenter *v.* Jones, 44 Md. 629. *Cf.* McIntire *v.* Worthington, 68 Md. 208.

A renunciation is final and irrevocable unless made under a mistake of fact. Carpenter *v.* Jones, 44 Md. 629. And see Slay *v.* Beck, 107 Md. 362; Lutz *v.* Mahan, 80 Md. 237; Glenn *v.* Reid, 74 Md. 241; Pollard *v.* Mohler, 55 Md. 289; Thomas *v.* Knighton, 23 Md. 327; Stocksdale *v.* Conaway, 14 Md. 106.

An order discharging an administrator under this section, passed under a mistake of existing facts, will be rescinded. Cummings *v.* Robinson, 95 Md. 84. And see Cummings *v.* Robinson, 95 Md. 760.

Letters granted to one son upon the representation that there were no other sons, will be revoked upon its appearing that there was another son and two daughters. The fact that the other son has renounced, and that the