

sale by the orphans' court, and the payment in full of the purchase money, and not before, the said trustee shall proceed to convey the title of said intestate to said real estate in the same manner as trustees under the appointment of circuit courts are now authorized to do; and the said orphans' court may allow the same commissions to any trustee so appointed as are now allowed to a trustee appointed to sell under a decree in equity.

See notes to sec. 293.

See art. 16, sec. 94.

1904, art. 93, sec. 292. 1888, art. 93, sec. 287. 1865, ch. 162, sec. 5.

295. For the purpose of ascertaining the value of said real estate, they are hereby authorized to issue a warrant to appraisers in the manner as indicated in sections 124-130 of article 81 of this code; and if, upon the return of said appraisal it should exceed the sum of twenty-five hundred dollars, the said orphans' court shall not proceed to order said sales.

1906, ch. 534.

296. Whenever by any will hereafter probated or by any deed or other instrument hereafter executed a power to sell, mortgage, lease or otherwise dispose of real or personal estate shall be given to any one or more trustees, executors or other fiduciary officers, such power, whether discretionary or otherwise, shall be construed to be appurtenant to the fiduciary office and shall pass to and be exercisable by any surviving trustees, executor or other fiduciary, or by any successor in the office however appointed, unless an intention to the contrary is expressly declared in such will, deed or other instrument.

This section is a duplicate of art. 16, sec. 251.

1904, art. 93, sec. 293. 1888, art. 93, sec. 288. 1860, art. 93, sec. 281.
1828, ch. 174, sec. 1.

297. In all cases where two or more trustees have been or shall be appointed by last will to execute any trust, with power on the death of one or more of such trustees to the survivor or survivors, to execute such trust, or to sell or dispose of, and convey any lands, hereditaments or other property, or any estate or interest therein devised to them jointly, if any one or more of such trustees shall in writing, signed by him or them, and attested by a witness, relinquish or disclaim such trust, or refuse to act as a trustee under such will, and deliver such writing to the register of wills having charge of such will for record, the right of such trustee or trustees so relinquishing, disclaiming or refusing to act shall thereupon cease and be determined.

See notes to sec. 298.

See art. 16, sec. 251.

Ibid. sec. 294. 1888, art. 93, sec. 289. 1860, art. 93, sec. 282. 1828, ch. 174, sec. 1.

298. The remaining trustee or trustees appointed by said will, who shall assent to act, shall be as fully capable and entitled to execute the