

**244.**

A petition held not to bring a case within this section, and hence the right of appeal is not limited by section 245. A petition could have been filed under this section and the jurisdiction of the orphans' court could not have been ousted by denying that the title of the fund was in the estate. The orphans' court has jurisdiction to determine the title to personal property in a proceeding under this section in so far as persons interested in the estate and the administrator are concerned; the court has no jurisdiction as between an administrator and a third person claiming title to the property. The orphans' court may allow an inventory to be corrected if it includes property which does not belong to the estate. *Pratt v. Hill*, 124 Md. 256.

To the fourth note to this section on page 2117 of volume 2 of the Annotated Code, add *Pratt v. Hill*, 124 Md. 256.

**245.**

See notes to section 244.

**255.**

See notes to article 5, section 10.

**Sales.****291.**

This section applies where a man who is named executor in a will dies after the testator, but before the will has been probated. Hence a power of sale given to such executor vests in an administrator *d. b. n.* appointed by the orphans' court after the former's death. Sale upheld. Purpose and scope of this section. Effect of the probate of a will. Title of executor and administrator contrasted. *Murray v. Conley et al.*, 124 Md. 220.

**Widows.****301.**

This section does not justify the contention that every devise or bequest to the wife where the testator does not state that it is not in lieu of her dower or share of his personal estate, is upon the condition that she survive the testator, and hence section 326 does not apply. Purpose of this section. See notes to section 326. *Redwood v. Howison*, 129 Md. 587.

**302.**

The direction of a testator to a legatee to pay a nominal sum to the testator's widow, is not such a bequest to her as bars her right to one-third of the personal estate in the absence of a renunciation by her. The orphans' court may correct errors in administration accounts after final ratification, and abrogate and modify its own orders when necessary to promote justice. The application for such action must be made within a reasonable time; what is a reasonable time depends upon the facts of each case. Proof of widow's identity. See notes to section 309. *Malkus v. Richardson*, 124 Md. 228.

**305.**

See notes to section 302.

**306.**

To the first note to this section on page 2141 of volume 2 of the Annotated Code, add *Schnepfe v. Schnepfe*, 124 Md. 337.