

The act of 1846, ch. 279, does not confer jurisdiction upon orphans' court to determine controversies in regard to sales of real estate by testators or intestates. Proof of payment of purchase money is a condition precedent to exercise of power conferred by this section. How payment of the purchase money may be proved. Failure of proof. Title is derived from executor's deed, and not from order of court. *Grant Coal Co. v. Clary*, 59 Md. 444.

Purpose of this section. *Kingan Packing Co. v. Lloyd*, 110 Md. 626. .

An. Code, sec. 82. 1904, sec. 81. 1888, sec. 82. 1849, ch. 37.

83. The provisions of the foregoing section shall extend to all cases where administration may have been granted by the proper authority in the District of Columbia; and in all such cases the application to procure such deed shall be made to the orphans' court of the city or county where the land sought to be conveyed is situate.

See notes to sec. 77.

An. Code, sec. 82A. 1914, ch. 501.

84. Whenever the title to any real or leasehold estate arising under any lease for more than seven years, or any other right, title, interest or estate in such real or leasehold estate shall pass under a domestic or foreign will hereafter probated elsewhere than in the county or city in the State of Maryland in which such real or leasehold estate is situated, a certified copy of such will and of the order admitting the same to probate shall be recorded and indexed at the expense of the estate of the testator in the office of the register of wills of the county or city in which the said real estate or leasehold estate is situated; the copy of the will and order shall be certified from the court or office in which the will was probated, whether domestic or foreign. Nothing herein contained shall be construed to dispense with the necessity of ancillary administration upon any leasehold estate held by a non-resident of Maryland. In all cases of titles passing under wills hereafter probated of which copies are not recorded in the method above provided, no purchaser shall be required to take title to such real or leasehold estate, whether sold under judicial proceedings or otherwise until the provisions of this section be complied with.

Debts.

An. Code, sec. 83. 1904, sec. 82. 1888, sec. 83. 1798, ch. 101, sub-ch. 8, sec. 22.

85. No administrator shall discharge any claim against his decedent (otherwise than at his own risk), unless the same be first passed by the orphans' court granting the administration, or unless the said claim shall be proved according to the following rules.¹

If a claim is duly passed by orphans' court and the administrator has no reason to question its validity, he is protected in making payment without exacting proof prescribed by this section. *Newcomer v. Beeler*, 116 Md. 650.

Under this and the following sections, particularly sec. 99, claims against decedent not passed or proven cannot be allowed. Where such defects exist, executors and administrators should have opportunity to correct them, if they can. *Parker v. Leighton*, 131 Md. 419.

A *bona fide* payment by administrator of a claim after it has been passed by court relieves him from liability. *Connor v. Ogle*, 4 Md. Ch. 449; *Owens v. Collinson*, 3 G. & J. 38.

¹ As to the objects of secs. 85 to 99 relative to payment of claims when they are exhibited with proper vouchers, see *Bowie v. Ghiselin*, 30 Md. 557.