

under oath that the said services have been performed; that he has received the full sum therein charged to his own use and benefit, and that he has not paid, deposited or assigned, nor contracted to pay, deposit or assign, any part of such compensation to the use of any person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof, and such registers of wills are hereby authorized to appoint such assistant clerks and deputies, and when duly qualified as such said assistant clerks and deputies shall have the power and authority to act in the place and stead of the register of wills; and all such acts heretofore performed by any such assistant clerk or deputy are hereby expressly ratified and confirmed as if they had been performed by the register of wills in person.

This section cited in connection with the powers of a deputy register. *Maynadier v. Armstrong*, 98 Md. 177.

As to the fees chargeable by a register of wills, see art. 36, sec. 29.

Sales.

An. Code, sec. 281. 1904, sec. 278. 1888, sec. 274. 1798, ch. 101, sub-ch. 8, sec. 3.

290. In case any executor or administrator shall not have money sufficient to discharge the just debts of and claims against the decedent, the orphans' court granting the letters shall, on his application made after the return of an inventory, direct a sale of the whole property therein contained, or of such part, or to such an amount as the court may think proper; and the court shall direct the manner and terms of sale; provided, that no credit exceeding twelve months be given, and that where credit is given, bond with security shall be taken; the court shall have power, in case it shall suspect any fraud, collusion, connivance or improper management to affect the sale, or that it was unreasonably made, or that the property was sold much under its value, to compel the said executor or administrator to account for all such deficiencies as may have arisen by his misconduct, the court always observing the inventory as their rule for ascertaining such deficiency.

Equity has concurrent jurisdiction with orphans' court to set aside a sale on ground of fraud, though it has been ratified. *Conway v. Green*, 1 H. & J. 152.

An order of court directing a sale to pay debts must be complied with by executor, and he cannot make decedent's property his own by paying the debts. *Hall v. Griffith*, 2 H. & J. 483. And see *Haslett v. Glenn*, 7 H. & J. 22.

This section referred to as showing recognition that some latitude or discretion in orphans' court must necessarily be allowed. *Lowe v. Lowe*, 6 Md. 357.

An. Code, sec. 282. 1904, sec. 279. 1888, sec. 275. 1798, ch. 101, sub-ch. 8, sec. 4.

291. The court shall have power to direct a sale as aforesaid, in case it shall deem a sale advantageous for the persons interested in the administration, either *ex officio* or on application of any of the said persons.

A sale directed by the orphans' court held to have been authorized by this section. *Crawford v. Blackburn*, 19 Md. 42.

This section referred to as showing recognition that some latitude or discretion in orphans' court must necessarily be allowed. *Lowe v. Lowe*, 6 Md. 357.