

An. Code, sec. 283. 1904, sec. 280. 1900, ch. 605, sec. 275A.

292. The court shall also have the power to direct a sale of any part of the personal estate of a decedent, on application of an administrator or executor, whenever it shall appear thereby, or upon such further proof as the court may require, that a sale is advantageous to the persons interested in said estate.

An. Code, sec. 284. 1904, sec. 281. 1888, sec. 276. 1843, ch. 304, sec. 1. 1906, ch. 537.

293. No executor or administrator shall sell any property of his decedent without an order of the orphans' court granting his letters being first had and obtained authorizing such sale; and any sale made without an order of court previously had as aforesaid shall be void, and no title shall pass thereby to the purchaser; provided, however, that all sales of leasehold property heretofore made by executors or administrators without a previous order of the orphans' court authorizing the same, but which have been duly reported to and finally ratified by said orphans' court, shall be valid to all effects and purposes as if such previous order had been obtained.

Where an administrator assigns a note and the mortgage securing it,—latter "for value received"—to the widow of testator and she subsequently assigns it to plaintiff, it will be assumed that administrator obtained the necessary order of court under this section, in absence of proof to contrary. *Fuhrman v. Fuhrman*, 115 Md. 439. And see *Walking v. Ensor*, 138 Md. 501.

This section and sec. 296 have no application to a sale of real estate made as trustees, not as executors, where the will authorizes a sale in former capacity. Where jurisdiction of such trust is not assumed by equity, executors may settle their account as executors and trustees in orphans' court. *Parker v. Leighton*, 131 Md. 420.

This section referred to in deciding that a corporation was liable for improperly transferring stock which stood on its books in name of executor. *Marbury v. Ehlen*, 72 Md. 215. And see *Stewart v. Firemen's Ins. Company*, 53 Md. 579.

This section has no application to a sale of mortgaged premises (for collection of mortgage debt) by executors of assignee of mortgage. *Chilton v. Brooks*, 71 Md. 451. *Cf. Williamson v. Morton*, 2 Md. Ch. 102.

It is intimated that this section applies to sale of a mortgage by an executor by an assignment thereof for private purposes. *Williamson v. Morton*, 2 Md. Ch. 102. *Cf. Chilton v. Brooks*, 71 Md. 451.

This section has no application to sales made before its adoption; law prior thereto. *Seldner v. McCreery*, 75 Md. 292; *Mitchell v. Williamson*, 6 Md. 216; *Miller v. Williamson*, 5 Md. 230; *Lark v. Linstead*, 2 Md. 427; *Albert v. Savings Bank of Baltimore*, 2 Md. 168; *Lark v. Linstead*, 2 Md. Ch. 167; *Phippard v. Forbes*, 4 H. & McH. 481.

Where an executor conveys property in accordance with sec. 82, he need not obtain an order to sell under this section. *Stewart v. Griffith*, 217 U. S. 331.

This section applied. *Crow v. Hubbard*, 62 Md. 563.

This section referred to in deciding that a third party (an executor *de son tort*) cannot pass title to a decedent's property. *Rockwell v. Young*, 60 Md. 568.

This section construed in connection with secs. 296 and 299—see notes thereto. *Brooks v. Bergner*, 83 Md. 354.

This section referred to in construing sec. 296—see notes thereto. *Weinstein v. Boyd*, 136 Md. 233.

This section referred to in construing sec. 251—see notes thereto. *Carlyle v. Carlyle*, 10 Md. 447.

See secs. 180, 294, 296 and 299, and notes.

Re. preference of taxes in proceeds of sales by ministerial officers, see art. 81, sec. 74.

An. Code, sec. 285. 1904, sec. 282. 1888, sec. 277. 1843, ch. 304, sec. 2.

294. If any executor or administrator shall sell or remove any property without an order of the orphans' court, the orphans' court may revoke