

An. Code, 1924, sec. 266. 1912, sec. 257. 1904, sec. 256. 1888, sec. 252. 1798, ch. 101, sub-ch. 8, sec. 12. 1841, ch. 178, sec. 1.

**267.** The several orphans' courts of this State shall have power, with the consent of both parties, to be entered on their proceedings, to arbitrate between a claimant and an executor or administrator, or between an executor and a person against whom he has a claim, or the dispute may by the parties be referred to any person or persons approved by the orphans' court.

No appeal lies whether reference of question to orphans' court is made under this section, or to judges as individuals; and fact that agreement of reference provides for appeal is immaterial. *Strite v. Reiff*, 55 Md. 94 (distinguishing *Woods v. Matchett*, 47 Md. 394).

This section refers only to claims against estate of a decedent which are asserted against executor in his fiduciary character; it has no reference to personal debts of executor. Agreement of reference held to be under this section, orphans' court not being mere arbitrators selected by the parties. *Browne v. Preston*, 38 Md. 379.

This and the two following sections point out only way in which orphans' court can pass upon validity of a claim, or sufficiency of defense thereto. *Bowie v. Ghiselin*, 30 Md. 557.

A party may except to award of an arbitrator on ground of usury although no such defense was made before arbitrator. Orphans' court has power to remand a case to arbitrator. *Woods v. Matchett*, 47 Md. 395.

Cited but not construed in *Flater v. Weaver*, 108 Md. 672; *Prudential Ins. Co. v. Cottingham*, 103 Md. 322; *Wisner v. Wilhelm*, 48 Md. 10.

As to arbitration and award, see also art. 7, and art. 75, sec. 50, *et seq.*

An. Code, 1924, sec. 267. 1912, sec. 258. 1904, sec. 257. 1888, sec. 253. 1834, ch. 228, sec. 2.

**268.** No award made under an order of the orphans' court returned to said court shall be confirmed until after notice of the award shall have been given to the parties to the reference or their representatives; and any party may file exceptions, or show cause against the award, upon any ground on the face of it or extrinsic thereto, and the court may confirm or reject the same, and remand the case to the referees for a new award or appoint new referees.

An award is void of effect if not ratified by court; unless perhaps such defect may be cured by act of parties. *Dement v. Stonestreet*, 1 Md. 123.

See notes to sec. 267.

An. Code, 1924, sec. 268. 1912, sec. 259. 1904, sec. 258. 1888, sec. 254. 1834, ch. 228, sec. 2.

**269.** The orphans' court may make such rules respecting the notice to be given in cases of awards and exceptions, and showing cause and a hearing in the premises, as they deem reasonable.

See notes to sec. 267.

An. Code, 1924, sec. 269. 1912, sec. 260. 1904, sec. 259. 1888, sec. 255. 1888, ch. 249.

**270.** The orphans' court shall have power *ex officio* to order any executor, administrator or guardian, who appears, by the records of said courts or of the register of wills, to be in default in respect to the rendering of any inventory, the returning of any report, statement, return of any kind, or to the fulfilment of any duty in said courts, to be summoned to appear before the court on some certain day to be named in the summons, and fulfil his duty, on pain of revocation of his letters testamentary, or of administration, or guardianship, and it shall be the duty of the register of wills, from time to time, to inform the orphans' court of such default so appearing; upon such order a letter shall be addressed by the register of wills, and be sent by him by mail to the person so appearing by him to be in default, at his postoffice or place of address, informing him of such order; and for the sending of such letter the register shall receive twenty-five cents from such person, if, on appearing, he is found to be in default;