

Secs. 292-298 cited in *Goldsborough v. DeWitt*, 171 Md. 244.

The words "without application to orphans' court" must be expressed by testator in his will in connection with power of sale, to authorize a sale without an order of orphans' court. Even if an executor has power to sell without an order of court, he may ask approval of court before selling, and only doubt about his right to submit sale to court for ratification is right of purchaser to rely upon power of sale given by will. Report of sale made and order *nisi* published at instance of purchaser. Jurisdiction upheld. *Weinstein v. Boyd*, 136 Md. 233.

The mere direction in a will that property be sold does not do away with necessity of procuring order of orphans' court under sec. 295. To make a sale without such order valid, will must expressly so provide. *Brooks v. Bergner*, 83 Md. 354.

Cited but not construed in *Alexander v. Fidelity Co.*, 108 Md. 546.

See sec. 194 and notes to sec. 295.

An. Code, 1924, sec. 297. 1912, sec. 288. 1904, sec. 285. 1888, sec. 280. 1845, ch. 357, secs. 1, 2.

299. The coarse provender, including under that demonination only corn tops, corn shucks, wheat, oats and rye straw, that may be at the time of sale on the farm or lands of any person dying within this State, shall not be sold by the administrator, but shall be left upon the farm for the use thereof; provided, the person so dying shall leave issue or relations who may inherit the said lands from him, or a devisee to whom he may have devised the same.

An. Code, 1924, sec. 298. 1912, sec. 289. 1904, sec. 286. 1888, sec. 281. 1798, ch. 101, sub-ch. 6, sec. 12. 1807, ch. 136, sec. 1.

300. An administrator shall either finish the crop on hand at the death of the decedent, or sell the same, as he shall judge the most convenient; and in case he shall not deem it convenient to finish the crop, the person entitled to the land on the death of the decedent, or his guardian, or next friend for him, in case of infancy of the party, may take the said crop at the appraisement of the appraisers, paying ready money, or giving bond with good security, approved by the orphans' court or the register of wills, if the said court shall not be in session at the time of making such sale, for paying the money within six months; and in case the said party or his guardian shall not take the crop at the appraisement, the administrator may sell the same to any other person for ready money, or on credit, as aforesaid; provided, that he shall not sell it at less than the appraised value without the approbation of the orphans' court granting the administration, or an order prescribing the terms by the said court passed as aforesaid.

Growing crops are assets in the hands of an administrator—see sec. 231.

An. Code, 1924, sec. 299. 1912, sec. 290. 1904, sec. 287. 1888, sec. 282. 1831, ch. 315, secs. 10, 11. 1833, ch. 262. 1865, ch. 51. 1884, ch. 426.

301. In all cases where an executor may be authorized and directed to sell the real estate of a testator, such executor may sell and convey the same, and shall account therefor to the orphans' court of the county where he obtained letters, in the same manner that an executor is bound to account for the sales of personal estate; and the orphans' court may allow such executor a commission on the proceeds of such sale, not less than two nor more than ten per cent.; but such sale shall not be valid or effectual unless ratified and confirmed by the orphans' court, after notice by publication given in the same manner as practised in cases of sales of lands under decrees in equity; and the bond of such executor shall be answerable for the proceeds of sales of the real estate which may come into his possession, to the same extent as if it were personal estate in his