

Although the order appealed from is not signed by the judges of the orphans' court, the defect may be remedied by agreement of counsel. *Watson v. Watson*, 58 Md. 445.

See notes to sections 254 and 255.

As to appeals, *cf.* sections 245 and 314, and art. 5, sec. 60, *et seq.*

1904, art. 93, sec. 256. 1888, art. 93, sec. 252. 1860, art. 7, sec. 7. 1798, ch. 101, sub-ch. 8, sec. 12. 1841, ch. 178, sec. 1.

**257.** 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 the reference of a question to the orphans' court is made under this section, or to the judges as individuals; and the fact that the agreement of reference provides for an appeal is immaterial. *Strite v. Reiff*, 55 Md. 94 (distinguishing *Woods v. Matchett*, 47 Md. 394).

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

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

A party may except to the award of an arbitrator on the ground of usury although no such defense was made before the arbitrator. The orphans' court has power to remand a case to the 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. 46, *et seq.*

*Ibid.* sec. 257. 1888, art. 93, sec. 253. 1860, art. 7, sec. 8. 1834, ch. 228, sec. 2.

**258.** 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 the court; unless perhaps such defect may be cured by the act of the parties. *Dement v. Stonestreet*, 1 Md. 123.

See notes to sec. 257.

*Ibid.* sec. 258. 1888, art. 93, sec. 254. 1860, art. 7, sec. 9. 1834, ch. 228, sec. 2.

**259.** 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. 257.

*Ibid.* sec. 259. 1888, art. 93, sec. 255. 1888, ch. 249.

**260.** The orphans' court shall have power *ex officio* to order any executor, administrator or guardian, who appears, by the records of