

An. Code, 1924, sec. 307. 1912, sec. 298. 1904, sec. 294. 1888, sec. 289. 1828, ch. 174, sec. 1.

310. The remaining trustee or trustees appointed by said will, who shall assent to act, shall be as fully capable and entitled to execute the trusts under such will, and to make all deeds and do all necessary acts for that purpose, as if the trustees so relinquishing, disclaiming or refusing to act had died, and the trustee or trustees so assenting to act had survived him or them.

This and the preceding section applied. *Druid Park Heights Co. v. Oettinger*, 53 Md. 61.

See notes to sec. 302.

An. Code, 1924, sec. 308. 1912, sec. 299. 1904, sec. 295. 1888, sec. 290. 1828, ch. 174, sec. 1.

311. No such relinquishment, disclaimer or refusal to act by any trustee shall be construed to release or impair his right or claim to any devise, legacy or bequest derived or bequeathed to him by such will for his own use, unless such devise, legacy or bequest shall be expressly declared in the will to be as a compensation for his services as trustee.

An. Code, 1924, sec. 309. 1912, sec. 300. 1904, sec. 296. 1898, ch. 499, sec. 290A. 1900, ch. 74.

312. Whenever a sale of real or leasehold estate is made under the authority of the orphans' court, or under power contained in a will, and is reported to said court for its ratification, the sale may be ratified by said court at once without the publication of an order *nisi*; provided, all parties in interest are *sui juris* and their consent is given to such immediate ratification.

Widows.

An. Code, 1924, sec. 310. 1912, sec. 301. 1904, sec. 297. 1888, sec. 291. 1798, ch. 101, sub-ch. 13, sec. 1.

313. Every devise of land or any estate therein, or bequest of personal estate to the wife of the testator shall be construed to be intended in bar of her dower in lands or share of the personal estate, respectively, unless it be otherwise expressed in the will.

Devise of land for benefit of widow, though directing executor to convert it into cash and hold in trust with income to widow, is bar to her dower in land under this section and secs. 314, 316 and 317. *Yungerman v. Yungerman*, 165 Md. 609.

Cited in *Marriott v. Marriott*, 175 Md. 574; *Safe Deposit & Trust Co.*, 3 F. Supp. 151.

This section does not justify the contention that every devise or bequest to the wife where testator does not state that it is not in lieu of her dower or share of his personal estate is upon condition that she survive the testator, and hence sec. 340 does not apply. Purpose of this section. See notes to sec. 340. *Redwood v. Howison*, 129 Md. 587.

A widow held to have been devised and bequeathed property within the meaning of this section. *Collins v. Carman*, 5 Md. 524.

This section applied and referred to in construing a will. *Daughters v. Lynch*, 93 Md. 309. And see *Gough v. Manning*, 26 Md. 366; *Durham v. Rhodes*, 23 Md. 241.

As to wife's interest in deceased husband's personal estate, see sec. 128, *et seq.*

See notes to secs. 314 and 330.

As to dower, see art. 45, secs. 6 and 7.

An. Code, 1924, sec. 311. 1912, sec. 302. 1904, sec. 298. 1888, sec. 292. 1798, ch. 101, sub-ch. 13, sec. 2. 1831, ch. 315, sec. 2. 1922, ch. 348. 1924, ch. 223. 1939, ch. 499.

314. A surviving husband or widow shall be barred of his or her right of dower in land or share in land or share in the personal estate by any such devise or bequest, unless within six months after the first grant of letters testamentary upon the wife's or husband's will, as the case may be,