

the orphans' court of the several counties of the State and the city of Baltimore, upon the application of such executor, administrator, administrator *de bonis non*, administrator with the will annexed, or administrator *de bonis non* with the will annexed, to pass an order requiring such purchaser or purchasers to comply with said terms of sale, or show good cause to the contrary, on or before a certain day to be limited in said order; and upon failure to comply with such terms of sale, or show good cause to the contrary on or before the day limited in such order, it shall and may be lawful for the said orphans' courts to order a re-sale of such real or leasehold estate at the risk and cost of the purchaser or purchasers, or to enforce compliance of any order passed upon such application by attachment.

If the property sells for a larger sum on the resale than on the first sale, the defaulting purchaser is entitled to the excess after proper expenses are deducted. *Mealey v. Page*, 41 Md. 183.

This section applied, notwithstanding an alleged indebtedness of the estate to the purchaser. *Schwallenberg v. Jennings*, 43 Md. 559.

This section referred to in construing section 290—see notes thereto. *Warehime v. Graf*, 83 Md. 102.

See art. 16, sec. 224.

1904, art. 93, sec. 290. 1888, art. 93, sec. 285. 1865, ch. 162, ch. 3. 1866, ch. 81.

293. The orphans' courts of the State shall have concurrent jurisdiction with the several circuit courts of this State, as courts of equity, with like powers to adopt rules and regulations, so as to authorize and direct the sales of real estate of intestates, where the appraised value of said real estate shall not exceed the sum of twenty-five hundred dollars, and to confirm and ratify said sales in the same manner as such sales are confirmed and ratified by the several circuit courts of the State, as courts of equity.

The jurisdiction of the orphans' court is limited and circumscribed. In case of intestacy the real estate descends to the heirs, and is not subject to any order of the orphans' court. *Brown v. Johns*, 62 Md. 336. And see *Snively v. Beavans*, 1 Md. 208; *Hayden v. Burch*, 9 Gill, 82; *Stewart v. Pattison*, 8 Gill, 47.

A sale under this section can not be impeached collaterally for mere errors or irregularities, such as the sale being made by the administrator instead of by the trustee. (See section 294.) *Simpson v. Bailey*, 80 Md. 422.

The court will not proceed under this section without making those who are interested parties. A proceeding held not to be under this section *Snook v. Munday*, 90 Md. 703.

Cited but not construed in *Nally v. Long*, 56 Md. 569; *Hill v. Hill*, 33 Md. 183.

As to the appraisal of real estate, see art. 81, sec. 124.

Ibid. sec. 291. 1888, art. 93, sec. 286. 1865, ch. 162, sec. 4. 1868, ch. 366.

294. The orphans' courts shall have authority to appoint a trustee to make such sales, which trustee may be the administrator or any other person, in the discretion of the court, and who shall give bond with security to be approved by the orphans' court or the register of wills, and proceed with such sale in the manner usually practised in the courts of equity in this State; and upon the ratification of such