

Generally.

The jurisdiction of orphans' court is limited to inquiries relative to the probate, such as testamentary capacity, fraud, undue influence and execution of the will. Courts of law and equity must determine what passes under will, and questions of title dependent upon operation and effect of will, and decide upon right of disposition. *Schull v. Murray*, 32 Md. 15. And see *Ramsey v. Welby*, 63 Md. 588; *State v. Warren*, 28 Md. 356; *Blackburn v. Craufurd*, 22 Md. 466; *Michael v. Baker*, 12 Md. 169; *Spencer v. Ragan*, 9 Gill, 482.

Orphans' courts are courts of special limited jurisdiction, and are confined to letter of their authority. They must exercise their powers in accordance with law, and necessary jurisdictional facts must not be left to inference but must affirmatively appear upon face of their proceedings. This section referred to in construing art. 21, sec. 83—see notes thereto. *Norment v. Brydon*, 44 Md. 116; *Taylor v. Bruscup*, 27 Md. 225; *Lowe v. Lowe*, 6 Md. 352; *Conner v. Ogle*, 4 Md. Ch. 452.

This section does not militate against authority of orphans' court to determine who are next of kin and entitled to distribution under sec. 243—see notes thereto. *Blackburn v. Craufurd*, 22 Md. 466. *Cf.* *Ramsey v. Welby*, 63 Md. 588; *State v. Warren*, 28 Md. 356.

The orphans' court has no jurisdiction to determine validity and amount of claims due creditors, although such claims may be passed for payment. *Levering v. Levering*, 64 Md. 413; *Schwallenberg v. Jennings*, 43 Md. 559; *Bowie v. Ghiselin*, 30 Md. 556; *Miller v. Dorsey*, 9 Md. 323.

The orphans' court has no jurisdiction to pass on title to personal property except under sec. 253 on a charge of concealment by administrator. How other questions of title to personal property may be determined. *Fowler v. Brady*, 110 Md. 208.

This section construed in connection with art. 16, sec. 99. The jurisdiction of orphans' court closes when executor has fully settled his accounts; hence said court has no jurisdiction thereafter to pass upon title to real estate sold by a trustee who is also executor. Equity alone can enforce a trust. *Blumenthal v. Moitz*, 76 Md. 566. And see *Taylor v. Bruscup*, 27 Md. 219; *Gable v. Cheston*, 51 Md. 380.

The orphans' court has no jurisdiction to determine question of sanity of applicant for letters—see sec. 57 and notes. *Kearney v. Turner*, 28 Md. 425.

An order of court directing property remaining in hands of administrators to be paid over to certain parties without notice, etc., provided in sec. 148, held invalid under this section. *Conner v. Ogle*, 4 Md. Ch. 451.

The orphans' court has no jurisdiction to decree return to administrator of goods taken by surety under order of court, counter security having been demanded and not given. Right of action in such case. *Scott v. Burch*, 6 H. & J. 79.

The orphans' court has no jurisdiction upon *ex parte* application of a widow, to order a sale of real estate devised to her for life and after her death to be sold by executors. *Snook v. Munday*, 90 Md. 702.

The orphans' court has no jurisdiction where a petition merely alleges the insertion in inventory of property which belongs to petitioner. *Spencer v. Ragan*, 9 Gill, 482.

Orphans' court has inherent power to correct by revocation, etc., errors into which it has fallen. *In re Stratton*, 46 Md. 553; *Raborg v. Hammond*, 2 H. & G. 51.

The orphans' court has no power to adjust equities resulting from the vacating of a sale. *Eichelberger v. Hawthorne*, 33 Md. 596.

This section referred to in deciding that letters of administration granted where there is an executor named in will not disqualified and not excluded from acting in conformity with law are void. *Kane v. Paul*, 14 Pet. 33.

This section referred to as indicating that a final account so far as debts are concerned must be stated before orphans' court can order legacies paid or distribution made. *Lowe v. Lowe*, 6 Md. 355. *Cf.* *Clarke v. Sandrock*, 113 Md. 422.

This section referred to in discussing commissions allowed for a partial administration. *In re Estate of Baxley*, 47 Md. 560.

This section referred to in construing sec. 10—see notes thereto. *Gunther v. State*, 31 Md. 31.

This section referred to in construing sec. 170—see notes thereto. *Thaw v. Falls*, 136 U. S. 519.

Re. jurisdiction of orphans' court over real estate, see secs. 299 and 302 and notes.

Re. power of orphans' court to order resale in case purchaser defaults, see sec. 301.

Re. jurisdiction of orphans' court to order money brought into court or invested, see sec. 251.