

purchaser, and the said purchaser shall refuse or neglect to comply with the terms of sale, it shall be lawful for the commissioners to re-sell the real estate upon the notice contained in the order aforesaid; and if it sell for less than at the first sale, to compel, by suit or action to be instituted in their name as commissioners, the purchaser at the first sale to pay over the difference or loss that may be sustained between the first and second sales; provided, a memorandum be made and signed by the auctioneer at the time of sale, in writing, containing the names of the parties, the amount and terms of sale.

P. G. L., (1860,) art. 47, sec. 57. 1820, ch. 191, sec. 34.

**57.** Whenever any person shall be entitled as tenant by the curtesy to any part of the real estate of an intestate, or as surviving husband to a life estate therein, and the commissioners appointed in virtue of this article shall determine that the estate will admit of division, then the said commissioners shall lay off the part or portion of such tenant by the curtesy or such surviving husband, in and to the said estate, before they shall proceed to divide or value the same; and the same commissioners shall make the ascertainment and location of such part or portion of the tenant by the curtesy or surviving husband a part of their return to their commission, and the court shall determine thereon, and confirm or reject the same, as in other cases.

Ibid. sec 58. 1820, ch. 191, sec. 35.

**58.** Whenever any person shall become entitled as tenant by the curtesy or as surviving husband as aforesaid, and the commissioners shall determine and so certify to the court, that the estate cannot be divided without loss and injury to all the parties entitled, and the return of the said commissioners shall be confirmed by the court, and the persons entitled to elect to take the said estate at the valuation made by the commissioners shall all refuse, then the estate shall be sold by the said commissioners agreeably to the terms prescribed to them, disencumbered of any tenancy by the curtesy, or life estate of surviving husband; and the court shall award to the tenant by the curtesy or surviving husband, such proportion of the purchase money as the said court shall think just and equitable, in lieu of such tenancy by the curtesy or such tenancy for life; and in