

of the commissioners, or a majority of them, or the survivors or survivor of them, to convey to the purchaser or purchasers, by deed duly executed and acknowledged according to law, all the right, title, claim, interest and estate of the deceased intestate to the lands and premises sold by them in virtue of their commission; and every such deed shall be recorded in the time limited by law.

An. Code, 1924, sec. 42. 1912, sec. 67. 1904, sec. 67. 1888, sec. 67. 1820, ch. 191, sec. 25.

**43.** Whenever any estate shall be sold, and the purchaser shall die or shall assign his equitable interest therein before any deed shall be executed for the estate sold, then and in that case the court, on the application of the heir, devisee or assignee of such purchaser, and being satisfied that the purchase money has been fully paid, agreeably to the terms of sale, shall order and direct the commissioners who shall have made such sale, or a majority of them, or the survivors or survivor of them, to execute and deliver to such heir, devisee or assignee, a deed for the said estate, in the same manner as is hereinbefore provided for respecting deeds to be executed to purchasers.

This section referred to in construing sec. 31. *Ridgely v. Iglehart*, 3 Bl. 548.

An. Code, 1924, sec. 43. 1912, sec. 68. 1904, sec. 68. 1888, sec. 68. 1820, ch. 191, secs. 40, 41, 42. 1822, ch. 48. 1827, ch. 208, sec. 1.

**44.** In case of the death, inability, refusal to act, or removal out of the State, of all or any of the commissioners, without having performed the duties prescribed by such commission, it shall be the duty of the court issuing the commission, on the application of any person interested, to appoint as many commissioners as will fill such vacancies; and such new commissioners shall, in connection with the remaining commissioners, if any be remaining, and if none remaining, then the new commissioners shall execute the commission in the same manner as if they had been originally named therein.

An. Code, 1924, sec. 44. 1912, sec. 69. 1904, sec. 69. 1888, sec. 69. 1820, ch. 191, secs. 26, 32. 1832, ch. 53.

**45.** In all cases where land has been sold by commissioners, or where any person has elected to take land at the valuation thereof, the court issuing the commission, upon being satisfied that the purchase money for said land has been paid or brought into court to be paid to the person or persons entitled to the same may, upon the application of the purchaser or person electing to take, or any other person who may have become entitled to said land in any manner, order a deed of conveyance to be made to such purchaser or person entitled, and also appoint one of said commissioners, or in case of the death or absence of all of them, some other person to execute such deed; and such deed, when so executed by such commissioner or other person, and recorded as deeds are required by law to be executed and recorded, shall vest in the person to whom the same may be made the legal title to said lands.

An. Code, 1924, sec. 45. 1912, sec. 70. 1904, sec. 70. 1888, sec. 70. 1820, ch. 191, sec. 16.

**46.** No proceedings of any commissioners under this article shall be set aside for matter of form.

See notes to sec. 10.