

being had to the interests of the estate, and directing the executor to convey the said real estate to the said assignee, his heirs and assigns; provided, however, that it shall not be necessary to the validity of the sale of any such real estate by the executor, that the same be ratified by the orphans' court, as aforesaid, in any case where a court of equity of competent jurisdiction has assumed jurisdiction in relation to the sale of any such real estate.

Waring v. Darnall, 10 G. & J. 143. Harlan v. Brown, 2 Gill, 475. Cornish v. Wilson, 6 Gill, 302. Waring v. Waring, 2 Bl. 673. Dent v. Maddox, 4 Md. 522. Seigman v. Marshall's Admr., 17 Md. 591. Valentine's Exrs. v. Strong, 20 Md. 527. Davis v. Clabaugh, 30 Md. 508. Eichelberger v. Hawthorne, 33 Md. 588. Montgomery v. Williamson, 37 Md. 421. Keplinger v. Maccubbin, 58 Md. 203.

1865, ch. 162, sec. 1.

283. In all cases in which a testator, by will, has directed his real estate to be sold for the payment of debts, or for any other purpose, and the executor or executors therein named shall refuse or decline to act, or shall die without executing the powers vested in him or them, it shall and may be lawful for the several orphans' courts of this State, upon petition of any party interested, to appoint an administrator *de bonis non*, with the will annexed, or to empower the administrator with the will annexed, previously appointed, to execute the trusts of said will in the same manner and to the same extent as the executor or executors appointed by will could or might do.

Keplinger v. Maccubbin, 58 Md. 211.

1865, ch. 172, sec. 2. 1870, ch. 82.

284. In all cases of sales of real and leasehold estate heretofore made or hereafter to be made by any executor, administrator, administrator *de bonis non*, administrator with the will annexed, or administrator *de bonis non*, with the will annexed, and the purchaser or purchasers shall fail, neglect or refuse to comply with the terms of sale as reported to and ratified by the court, it shall and may be lawful for the orphans' courts 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