

estate has transferred, or shall transfer his said purchase to another person, it shall be lawful for the orphans' court, upon petition in writing by the original purchaser and such assignee and upon being satisfied that such substitution or transfer may be made without injury to the estate, to pass an order substituting such assignee as purchaser of the said real estate, upon such terms as may be deemed expedient, regard 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. Willson, 6 Gill, 302. Waring v. Waring, 2 Bl. 673. Dent v. Maddox, 4 Md. 522. Seighman v. Marshall's Adm'r, 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. Carter v. Van Bokelen, 73 Md. 179. Smith v. Montgomery, 75 Md. 140. Warehime v. Graf, 83 Md. 101. Brooks v. Beigner, 83 Md. 554. Porterfield v. Porterfield, 85 Md. 664.

1888, art. 93, sec. 283. 1865, ch. 162, sec. 1.

288. 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. Venable v. Mercantile Trust Co., 74 Md. 187. Bay v. Posner, 78 Md. 42. Warehime v. Graf, 83 Md. 101. Snook v. Munday, 90 Md. 703. Wright v. Williams, 93 Md. 69.

Ibid. sec. 284. 1865, ch. 162, sec. 2. 1870, ch. 82.

289. 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,