

CHAPTER 51.

Passed March 20, 1865. AN ACT to amend section, two hundred and eighty, of Article ninety-three of the Code of Public General Laws, entitled, "Testamentary Law," relating to the sale of real estate by executors.

Section amended and re-enacted. SECTION 1. *Be it enacted by the General Assembly of Maryland,* That section two hundred and eighty, of Article ninety-three of the Code of Public General Laws, entitled "Testamentary Law," be amended and re-enacted, so as to read as follows:

Executor may sell real estate.

280. In all cases where an executor may be authorized and directed to sell the real estate of a testator, such executor may sell and convey the same, and shall account therefor to the Orphans' Court of the county where he obtained letters, in the same manner that an executor is bound to account for the sales of personal estate, and the Orphans' Court may allow such executor a commission on the proceeds of such sale, not less than two nor more than ten per cent., but such sale shall not be valid or effectual, unless ratified and confirmed by the Orphans' Court, after notice by publication given in the same manner as practised in cases of sales of lands, under decrees in equity, and the bond of such executor shall be answerable for the proceeds of sales of the real estate, which may come in his possession, to the same extent as if it were personal estate in his hands; in case the purchaser of any such real 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 substitute 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.