

was passed, as if the said parties resided, or land or property lay in the county where the decree was passed.

In furtherance of the intention, the words of this section must be taken distributively. History of this section. This section construed in connection with section 87—see notes thereto. *Dorsey v. Omo*, 93 Md. 81.

As to decrees of specific performance against non-resident infants and *non compos*, see sec. 126.

As to specific performance, see sec. 231.

1904, art. 16, sec. 88. 1888, art. 16, sec. 77. 1860, art. 16, sec. 64.
1840, ch. 109, sec. 4.

92. Whenever any cause is ready for hearing, and the parties, their solicitors or guardians shall sign an agreement and file it with the clerk that the case be submitted for decision to the judge of the court where the suit is pending, such judge shall pass a decree, and such decree shall have the same effect as if passed at the regular term of the court.

Ibid. sec. 89. 1888, art. 16, sec. 78. 1860, art. 16, sec. 65. 1818, ch. 193, sec. 9.

93. Where a sale has been made by an executor under a supposed authority derived from a will, the court may, at its discretion, confirm such sale, on hearing the parties interested, or *ex parte*, in cases where a bill might be taken *pro confesso*.

This section referred to in construing article 93, section 290—see notes thereto. *Eichelberger v. Hawthorne*, 33 Md. 595.

Cited but not construed in *Ex parte Black*, 1 Bl. 142.

As to when decrees *pro confesso* may pass, see sec. 149, *et seq.*

See art. 93, sec. 290.

Ibid. sec. 90. 1888, art. 16, sec. 79. 1860, art. 16, sec. 66. 1785, ch. 72, sec. 4.

94. Where any person dies and leaves real or personal property to be sold for the payment of debts, or other purposes, and shall not appoint any person to sell and convey the same, or if the person appointed dies, or neglects or refuses to execute such trust, the court, upon the petition of any person interested in the sale of such property, may appoint a trustee to sell and convey the same, and apply the money arising from the sale to the purposes intended.

Application of this section.

This section applied where the persons directed to sell real estate upon a certain contingency, are dead when the contingency happens. *Noble v. Bernie*, 105 Md. 80.

This section applied where a testator directed his real estate to be sold and the proceeds to be disposed of in a certain manner, but did not provide how the sale should be made. If he appoints no executor, the sale can be legally authorized only under this section. *Baumeister v. Silver*, 98 Md. 422. And see *Wilcoxon v. Reese*, 63 Md. 546.

This section applied where lands are devised to be sold for the payment of debts, and no trustee is named in the will. *Magruder v. Peter*, 4 G. & J. 330.

This section has no application where a testator bequeaths money to a trustee to be invested, and the interest applied to the support of his son for life. *Offutt v. Jones*, 110 Md. 240. And see *Hawkins v. Chapman*, 36 Md. 97; *Winder v. Diffenderffer*, 2 Bl. 172, note (g).

Generally.

The jurisdiction of equity under this section is concurrent with that of the orphans' court under article 93, section 291, and the jurisdiction first invoked prevails. *Wright v. Williams*, 93 Md. 69; *Noble v. Birnie*, 105 Md. 80.