

Where a part interest in a patent is sold upon the agreement of the purchaser to execute notes for the price, the fact that the seller has an action at law does not deprive him of relief by specific performance. Principles controlling specific performance. *Teschner v. Falkenwalde*, 135 Md. 117.

Policy, design and probable effect of this section. This section applied. *Neal v. Parker*, 98 Md. 269.

Where specific performance is not refused on the "mere" ground that the plaintiff has an adequate remedy at law, this section has no application. *Brehm v. Sperry*, 92 Md. 408.

Cited but not construed in *Kingan Packing Assn. v. Lloyd*, 110 Md. 624.

As to the enforcement of decrees for specific performance, see sec. 94.

As to decrees of specific performance against non-resident infants and *non compos*, see sec. 133.

As to specific performance *re* transfer of corporate stock, see art. 23, secs. 57 and 59.

Trustee.

An. Code, sec. 232. 1904, sec. 216. 1888, sec. 200. 1785, ch. 72, sec. 7. 1816, ch. 154, sec. 3.

247. In all cases where a decree for a sale passes, the court may appoint a trustee to make such sale.

A trustee is the mere attorney of the court acting under specially delegated authority. *Andrews v. Scotton*, 2 Bl. 637. And see *Gibson's Case*, 1 Bl. 139.

A trustee may be appointed to execute an assignment of a patent, if the patentee fails to execute such assignment, as directed by a decree. *Ager v. Murray*, 105 U. S. 126.

Cited but not construed in *Kingan Packing Assn. v. Lloyd*, 110 Md. 624.

As to the appointment of a trustee to sell property or execute a deed; and the general jurisdiction of equity under trusts, see sec. 97, *et seq.*

Re. appointment of trustee to make a sale directed by will, see sec. 97.

As to when trustees represent those beneficially interested, see sec. 197.

As to the appointment of a trustee to complete the collections of a sheriff or tax collector, see sec. 105.

As to who is a trustee, see sec. 30.

See also notes to sec. 98.

For a form of a trustee's deed under a decree, see art. 21, sec. 61.

An. Code, sec. 233. 1904, sec. 217. 1888, sec. 201. 1785, ch. 72, sec. 8. 1790, ch. 60. 1816, ch. 154, sec. 3. 1842, ch. 70. 1845, ch. 166, sec. 1. 1910, ch. 212 (p. 61).

248. Every trustee appointed by decree to make a sale before he sells, shall give bond to the State of Maryland, with surety or sureties, to be approved by the judge of the court or the clerk thereof in such penalty as the said judge may prescribe; provided, that whenever the surety on said bond is a corporation authorized by the laws of this State to qualify as such, the amount of the penalty of the bond shall be an amount not exceeding the probable value of the property to be sold by said trustee; and nothing herein shall prevent the court from increasing the penalty of any bond to such an amount as it may see proper, for sufficient cause shown; said bond to be conditioned that such trustee shall faithfully perform and execute the trust reposed in him, and such trustee shall report, under oath, any sale he may make to the court, and also report his proceedings whenever he may be required by the court.

This section applies to a grantee in a deed who has the duties of a trustee, although he is not so named. Design and liberal construction of this section. *Furlong v. Edwards*, 3 Md. 114 (dissenting opinion); *Keighler v. Nicholson*, 4 Md. Ch. 93.

This section held not to require a deed of trust to be recorded. Purpose of this section. *Bryan v. Hawthorne*, 1 Md. 524.

This section referred to in construing art. 5, sec. 57—see notes thereto. *Harris v. Register*, 70 Md. 119.