

with will, the order ratifying the auditor's report and directing the trustee to pay out the fund accordingly, did not relieve surety on bond. *Fid. & Dep. Co. v. State*, 164 Md. 311.

For cases involving the law on the subject of this section prior to its adoption, see *Long v. Long*, 62 Md. 33; *Downin v. Sprecher*, 35 Md. 479; *Ball v. Safe Deposit Co.*, 92 Md. 506. *Cf. Seeger v. Hunting*, 78 Md. 54.

Cited but not construed in *Carlin v. Harris*, 100 Md. 56; *Hyatt v. Vanneck*, 82 Md. 474; *Roche v. Waters*, 72 Md. 272; *Long v. Long*, 62 Md. 67 (see also dissenting opinion, page 85); *Druid, etc., Co. v. Oettinger*, 53 Md. 63; *Shreve v. Shreve*, 43 Md. 403; *Goldsborough v. Martin*, 41 Md. 505.

See notes to sec. 242.

An. Code, 1924, sec. 244. 1912, sec. 229. 1904, sec. 214. 1904, ch. 563, sec. 198A.

253. In all cases where one or more persons is or are entitled to an estate for life or years, or to an estate tail, fee simple, conditional, base or qualified fee, or any other particular limited or conditional estate in lands, and any person or persons is or are entitled to a remainder or remainders, vested or contingent, or an executory devise or devises, or any other interest, vested or contingent, in the same land, on application of any of the parties in interest in a court of equity, if all the parties in being are parties to the proceeding, and if it shall appear to be advantageous to the parties concerned, may decree a conveyance of the same by way of mortgage, and shall direct the investment or other disposition or application of the proceeds of such mortgage so as to inure to the use and benefit of the same parties who would be entitled by the original grant to the lands so mortgaged; and all such decrees, if all the persons are parties who would be entitled, if the contingency had happened at the date of the decree, shall bind all persons, whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular limited or conditional estate, with remainders or executory devises were created and the said mortgages executed in pursuance of such decrees shall bind the estates and interests in the said lands so mortgaged of all such persons, whether in being or not.

Receiver's Bond.

An. Code, 1924, sec. 245. 1912, sec. 230. 1910, ch. 474 (p. 60).

254. Whenever a receiver shall be required to give bond in any court and the surety upon the bond is a corporation authorized by the laws of this State to qualify as such, the amount of the penalty of the bond so required shall be fixed by the court in an amount not exceeding the probable value of the property and assets of the estate for which the said receiver should account and be liable for according to law, and nothing herein shall prevent the court from increasing the penalty of the bond to such an amount, as may be proper, for sufficient cause shown.

As to receivers appointed to wind up a corporation, see art. 23, sec. 99.

As to the payment of the premium of the bond out of the estate being administered, see art. 24, sec. 10.

Specific Performance.

An. Code, 1924, sec. 246. 1912, sec. 231. 1904, sec. 215. 1888, sec. 199. 1888, ch. 263.

255. No court shall refuse to specifically enforce a contract on the mere ground that the party seeking its enforcement has an adequate remedy in damages, unless the party resisting its specific enforcement shall show to the court's satisfaction that he has property from which such dam-