

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.

The act of 1845, ch. 166, held not to apply to deeds of trust executed before its adoption. *Walgamot v. Davis*, 6 Gill, 485.

Cited but not construed in *National Park Bank v. Lanahan*, 60 Md. 511; *Cockey v. Leister*, 12 Md. 128; *Charles v. Claggett*, 3 Md. 91 (dissenting opinion).

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

This section referred to in sustaining power of chancellor to require trustee to sell in foreclosure proceedings to give second bond under art. 66, sec. 8, when first bond is inadequate. *Assurance Corp. v. State*, 163 Md. 126.

An. Code, 1924, sec. 249. 1912, sec. 234. 1904, sec. 218. 1888, sec. 202. 1785, ch. 72, sec. 9.

**258.** No sale made by a trustee appointed by the court shall be valid unless such sale is confirmed by the court; and the court may order any such trustee to bring into court any money, notes or bonds he may receive for the purchase money on any sale he may make, to be disposed of as the court may direct.

A sale not ratified is not void, but at most only voidable, if successful objection is made for fatal irregularity, fraud or misrepresentation. *Hopper v. Haines*, 71 Md. 76.

Cited but not construed in *Gould v. Chappell*, 42 Md. 469.

Cited but not construed in *Assurance Corp. v. State*, 163 Md. 126.

An. Code, 1924, sec. 250. 1912, sec. 235. 1904, sec. 219. 1888, sec. 203. 1785, ch. 72, sec. 10. 1870, ch. 370. 1874, ch. 428. 1878, ch. 136.

**259.** In all cases where a trustee has been appointed by will or deed to execute any trust, and any person interested in such trust shall make it appear to the court that it is necessary for the safety of those interested in the execution of the trust, that the trustee should give bond and security for the due execution of the trust, the court may order that such bond be given, on or before such day as the court shall name; and if the bond, with such security as the court shall approve, be not given by such trustee, then the court may remove such trustee and appoint one in his stead, who shall give such bond and security as the court may require.

Under this section, persons entitled in remainder may apply for security for the proper administration of the trust, and bond should be given under the direction of the court before executors turn the money over to trustee. *McClernan v. McClernan*, 73 Md. 288. And see *State v. Hewlett*, 48 Md. 144.

Under this section, the court may order execution of an adequate bond, and if order is not complied with, remove trustee and appoint another; or if the bond is insufficient, the court may order another given. *Suit v. Creswell*, 45 Md. 531; *Campbell's Case*, 2 Bl. 209; *Jones v. Stockett*, 2 Bl. 436.

This section was intended to afford full protection to persons interested in the trust property; bill held sufficient to authorize the court to exercise its power under this section. *Condon v. Updegraf*, 117 Md. 75.

This section applies to a deed creating a trust to hold property for a time and then convey it absolutely, an incidental power of sale being conferred. *Talbott v. Leatherbury*, 92 Md. 168; *Schmidt v. Hinkley*, 115 Md. 337.

This section applied. *Chappell v. Clarke*, 94 Md. 181.