

shall finally pass in the cause on the hearing of both parties; and whenever an injunction is obtained by an executor or administrator, on filing a bill and executing a bond as aforesaid, the court shall have full power and discretion to decree against such executor or administrator, as equity and good conscience shall seem to require.

78. In all cases where a sheriff, or other officer, is prevented by an injunction from selling personal property taken in execution, he shall deliver back the property taken in execution to the party from whom it was taken, and shall not be answerable to the plaintiff at law on account of the same.

TRUSTEES.

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

80. Every trustee appointed by decree to make a sale, before he sells shall give bond to the State, in such penalty as the court or the judge thereof may prescribe, and with surety or sureties to be approved by the judge of the court or the clerk thereof, with condition 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.

81. 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.

869, 570, 28 Md 145, 29 Md 572, 30 Md 235, 536, 31 Md 425, 33 Md 210, 34 Md 413, 35 Md 175, 2 G & J 114

Court may order trustee to bring purchase-money and notes into court

82. 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.

83. The bond of every trustee appointed by the court, and the bonds of trustees who are ordered by the court to give bond, shall be filed with the clerk of such court and recorded.

84. 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

Id. s 55
1799, c 79, s 10.
Sheriff prevented from selling property by injunction, to redeliver property to party from whom taken
8 Gill 43,
3 Bl 637

Art 16, s 185
1785, c 72, s 7,
1816, c 154, s 2.
Court to appoint trustee to make sale
23 Md 1, 67, 85,
25 Md 317, 420,
27 Md 368, 452,
30 Md 489,
33 Md 18, 60,
38 Md 221.

Id s 186
1785, c 72, s 8,
1790, c 60, 1816,
c 154, s 3, 1842,
c 70, 1845, c.
166, 1
Trustee to give bond
21 Md 240,
36 Md 501,
12 G & J 307

Id s 137
1785, c 72, s 8
No sale by trustee valid unless confirmed by court
8 Md 322, 9 Md 240, 23 Md 1, 85, 26 Md 23,
27 Md 51, 83,

1878, c 136.
Court may order trustee appointed by will or deed to give bond
35 Md 175,
41 Md 506,
45 Md. 483, 529.

Art 16, s 139
1785, c 72, s 10
Trustees' bonds to be filed with clerk and recorded.

Id s 68
1785, c 72, s 4.
Appointment of trustee to execute will
30 Md 510, 87
Md 26, 44 Md 251, 4 G. & J 323, 2 Howard, 43