

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.

P. G. L., (1860,) art. 16, sec. 65. 1818, ch. 198, sec. 9.

78. 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*.

Eichelberger v. Hawthorne, 33 Md. 588.

Ibid. sec. 66. 1785, ch. 72, sec. 4.

79. 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.

Magruder v. Peter, 4 G. & J. 323. Winder v. Diffenderffer, 2 Bl. 172. Campbell's Case, 2 Bl. 209. Deakin's Case, 2 Bl. 398. Connor v. Ogle, 4 Md. Ch. 425. Albert v. Savings Bank, 2 Md. 159. Howard v. Waters, 19 Md. 529. Davis v. Clabaugh, 30 Md. 508. Eichelberger v. Hawthorne, 33 Md. 588. Dorsey v. Dorsey, 37 Md. 64. Fulton v. Harman, 44 Md. 251. Hewitt's Appeal, 55 Md. 509. Keplinger v. Maccubbin, 58 Md. 203. Wilcoxon v. Reese, 63 Md. 542. Shriver's Lessee v. Lynn, 2 Howard, 43.

Ibid. sec. 67. 1785, ch. 72, sec. 13. 1826, ch. 159.

80. In all cases where the court shall decree that a deed of any kind shall be executed, a trustee to execute such deed may be appointed, and until such trustee shall execute a deed, the decree itself, if passed in the county where the land lies, shall have the same effect that the deed would if executed; but if passed in another county, the decree shall have that effect if recorded in the county where the land lies within six months from the date thereof.

Worthington v. Lee, 61 Md. 530. Sanders v. McDonald, 63 Md. 503.