

Apart from this section equity has no authority to decree a sale of the title of unborn remaindermen. A portion of the proceeds of the sale may not be reserved from the reinvestment prescribed by this section for distribution at once to the life tenant. This section does not admit of a present money payment in lieu of a life interest. *Denson v. Denson*, 125 Md. 359.

This section referred to in upholding the power of trustees to sell property under a power of sale in a will, irrespective of whether that particular property had been held by the testator in his lifetime. *Carter v. Mullin*, 123 Md. 329.

Exceptions to the title of property sold under this section, overruled. *Stewart v. Kreuzer*, 127 Md. 4.

Trustee.

245.

This section referred to in holding that persons who did not create a trust, are not the beneficiaries, are not charged with the execution of any part of it, and have no interest in the trust property, may not invoke the jurisdiction of the court over the trust or for the appointment of a trustee in the place of one of the trustees named in the will who may desire to resign. *Tarbert v. Rollins*, 130 Md. 427.

1918. ch. 431.

246A. Whenever any property, real or personal, or both, in this State, has been limited or conveyed to a trustee or trustees to secure the payment of money, and said trustee or trustees, the survivor of them, or trustee or trustees substituted in said trust, shall die, resign or for any reason fail or neglect to act in the performance of his or their duties, upon petition setting forth under oath the facts of said trust, the death, resignation or failure to act of the trustee or trustees, and such other facts as may be necessary to entitle the petitioner or petitioners to the relief prayed, by any person or persons interested in the release or execution of said trust, to any Court of Equity having jurisdiction over said property, said Court shall have power to pass a decree substituting a trustee or trustees in the place of the trustee or trustees so dying, resigning, failing or neglecting to act, with all the powers and liabilities of said trustee or trustees for whom he or they are substituted. In such proceedings, notice by summons or publication, according to the practice in equity in said Court, shall be given to said trustee or trustees to be removed or replaced as aforesaid, if living, and if dead it shall not be necessary to give such notice or to make his heir at common law or his heirs, devisees or personal representatives parties thereto but the Court shall lay a rule upon the party or parties whose property is liable for the payment of said money or upon the beneficiary or beneficiaries of said trust if a release thereof be sought, unless he or they shall voluntarily appear and admit the allegations of the petition, to show cause under oath on or before fifteen days after service of such rule why the prayer of said petition shall not be granted. If said party or parties cannot be found in this State, service of said rule shall be by publication, according to the practice in equity in said Court. If no cause be shown, notwithstanding