For cases affirming the general jurisdiction of equity over infants, see Taylor *v* Peabody Heights Co., 65 Md. 391; Davis *v.* Helbig, 27 Md. 462; Corrie's Case, 2 Bl. 488; Dorsey *v.* Gilbert, 11 G. & J. 90.

For a case involving the act of 1816, ch. 154, and the act of 1818, ch. 193, see Williams' Case, 3 Bl. 203.

This section referred to in construing sec. 65—see notes thereto. Hitch *v.* Davis, 3 Md. Ch. 265.

This section referred to in construing sec. 243—see notes thereto. Beggs *v.* Erb, 138 Md. 353.

Cited but not construed in Stein *v.* Stein, 80 Md. 309; Hammond *v.* Hammond, 2 Bl. 346.

Cross References.

As to the jurisdiction of equity to decree relative to mortgaged property owned by an infant, see sec. 102.

As to the jurisdiction of equity to decree relative to property owned by an infant and which is subject to a contract, see sec. 103.

Re. specific performance against non-resident infants, see sec. 133.

As to the sale of an infant's real estate, to save personalty, see sec. 104.

Re. procedure upon a bill of review in the interest of infants, see sec. 194.

As to how infant defendants should answer and sue, see secs. 161 and 162.

No decree *pro confesso* may pass against infant defendants—see sec. 219.

As to guardian and ward, see art. 93, sec. 149, *et seq.*

Re. procedure where infants are entitled to an election, see art. 46, sec. 21.

As to the powers and duties of institutions for the care and protection of minors, see art. 23, sec. 192.

See notes to sec. 60.

An. Code, sec. 58. 1904, sec. 54. 1888, sec. 49. 1816, ch. 154, sec. 1. 1818, ch. 133, sec. 2. 1818, ch. 193, sec. 13. 1840, ch. 109, sec. 3.

60. No decree for sale shall pass under the preceding section, but upon the petition of the guardian or *prochein ami* of such infant, and the appearance and answer of such infant, by guardian to be appointed by the court, and proof by the depositions of at least two discreet and respectable witnesses, to be taken before an examiner for that purpose; and the witnesses shall state in their depositions the value and quantity of the property, and the facts and circumstances which show that it would be for the benefit and advantage of such infant, that a decree for a sale should be passed.

Fact that bill is filed by next friend of only one of infants, is immaterial if all of the infants are summoned and answer by guardian *ad litem;* nor is it material that bill prays for a sale and distribution and not for an investment, where the bill alleges that both a sale and investment would be for the benefit, etc. Mumma *v.* Brinton, 77 Md. 200. And see Bolgiano *v.* Cooke, 19 Md. 392.

A decree will not be reversed or vacated because the witnesses failed to state the facts which show that a sale would be for the benefit of the infant. Gregory *v.* Lenning, 54 Md. 57. And see Bolgiano *v.* Cooke, 19 Md. 392.

A suit under this and the preceding section, does not abate by the death of one or more of the infants. Tilly *v.* Tilly, 2 Bl. 440.

The act of 1818, ch. 133, was not a repeal of the act of 1816, ch. 154. Failure to make the infant a party. Ratification. Hunter *v.* Hatton, 4 Gill, 123.

This section referred to in construing sec. 243—see notes thereto. Beggs *v.* Erb, 138 Md. 353.

See notes to sec. 59.

An. Code, sec. 59. 1904, sec. 55. 1888, sec. 50. 1831, ch. 311, sec. 12. 1849, ch. 429.

61. In all cases where it shall appear to the court by proof, as provided in the preceding section, that it would be for the benefit and advantage of an infant to raise money by mortgage to improve his real property, or to pay any charges, liens or encumbrances thereon, the court may, on application