

or if the person whose consent is required to authorize a decree for a demise be an infant, or being of full age, shall refuse to assent, the court may, if such person be made a defendant, on considering the pleadings and evidence in the case, determine whether a decree should be made, and decree accordingly.

The tenant of any particular estate, of full age, whether in possession or not, may apply to the court for a decree under this section, but it must appear affirmatively that a demise would promote the interests of *all parties concerned*. Failure of proof. *Hitch v. Davis*, 3 Md. Ch. 263.

Notwithstanding this section, it is more than doubtful whether there was any power to decree a lease of property unless an infant was interested, prior to the act of 1861-2, ch. 156. *Long v. Long*, 62 Md. 86 (dissenting opinion).

An. Code, sec. 64. 1904, sec. 60. 1888, sec. 55. 1831, ch. 311, secs. 6-13.

66. The five preceding sections shall apply to cases where any or all of the defendants are non-residents, and such non-resident defendants may be proceeded against in the same manner as non-resident defendants in other cases; provided, that non-resident infants, against whom their guardian or next friend may file a petition or bill for the sale, mortgage, demise or exchange of their lands or property, shall be proceeded against as directed in cases where a guardian applies for the sale of such infant's real estate.

The act of 1831, ch. 311, is *in pari materia* with the act of 1785, ch. 72, sec. 12 (see section 152), and should be construed in connection with it. *Billingslea v. Baldwin*, 23 Md. 115; *Tolson v. Bryan*, 130 Md. 342.

See sec. 130, *et seq.* See notes to sec. 59.

An. Code, sec. 65. 1904, sec. 61. 1888, sec. 56. 1835, ch. 367, sec. 2.

67. Upon the application of the guardian or next friend of an infant, the court may, if it appears for the benefit and advantage of such infant, authorize and decree an exchange of real estate or chattels real in which such infant has any estate, interest, trust or property or benefit, for other real estate or chattels real, or interest, trust or property therein; and the court, in decreeing such exchange, may not require equality or sameness in the quantity or character of the estate or interests, and the court may appoint trustees to execute the deeds necessary to carry such exchange into effect.

An. Code, sec. 66. 1904, sec. 62. 1888, sec. 57. 1816, ch. 154, secs. 5, 6, 7. 1886, ch. 281. 1890, ch. 18.

68. When the real estate or leasehold property of an infant or in which an infant is interested has been, or may hereafter be, sold upon the application of his guardian or *prochein ami*, or by virtue of or under a decree of court, in a case to which such infant is a party, or by virtue of a power contained in a mortgage upon such real estate or leasehold property, the court decreeing or ratifying such sale may, upon the application of the person making such sale, or upon the petition of the guardian of such infant, order and direct the money arising from such sale to which such infant shall be entitled to be paid to the guardian of such infant, upon the filing in said court of a certificate from the register of wills of the county or city in which letters of guardianship have been granted, that the guardian of such infant has filed in the orphans' court of the county or city, grant-