

An. Code, sec. 71. 1904, sec. 67. 1888, sec. 62. 1868, ch. 249.

**73.** Whenever, upon the petition of any infant, by his guardian or next friend, a decree has been passed, or shall hereafter be passed, for the sale of the lands, tenements, or real estate of said infant, or of his interest in the same, and a sale thereof has been or shall be made in pursuance of said decree, which said sale has been or shall be confirmed by the court in which such decree was had, and it shall appear that there was a failure to summon said infant, and to have him answer by a guardian duly appointed, it shall and may be lawful for the circuit courts of this State, sitting as courts of equity, to confirm said sale, and all proceedings had thereon, upon the petition of the guardian or next friend of such infant, or upon the petition of any party having an interest in said sale, and after summoning such infant, and his appearance by guardian, to be appointed by said courts, and such other proceedings had as required for a decree for sale of infants' real estate; provided, upon a hearing and examination of all the circumstances, it shall appear to said courts that said sale was fairly and *bona fide* made, and that at the date of said decree it was for the benefit and advantage of said infant to sell said lands, tenements and real estate or for his interest in the same; and upon the confirmation of said sale, all the proceedings had in pursuance of said decree and in conformity thereto, including the deeds of the trustees theretofore made or thereafter to be made, shall be as valid and binding upon all parties, and shall confer as good title upon the purchasers as if the proceedings upon which the original decree was passed had been in strict conformity to the requirements of law.

This section, so far as it attempts to validate decrees passed without jurisdiction, is unconstitutional and void. *Roche v. Waters*, 72 Md. 264.

This section referred to in contrasting sec. 59, *et seq.*, with sec. 243. *Newbold v. Schlens*, 66 Md. 588.

An. Code, sec. 72. 1904, sec. 68. 1892, ch. 244, sec. 62A. 1924, ch. 441.

**74.** The several equity courts of this State, upon the application of any person residing in the city or county where such application is made, or the equity court in the city or county where a minor to be adopted resides, shall have power to pass a decree declaring any minor child the adopted child of the petitioner, upon such reasonable notice to the parent or parents, guardian or guardians, of such child, if any there be, by summons, order of publication or otherwise, as the court may order to be given, provided that the court passing the decree shall become satisfied, upon careful investigation, that the best interests and welfare of such child will be thereby promoted, and provided further, that the child, if of sufficient intelligence and capacity to give an understanding assent shall so desire.

This and the following sections referred to in dealing with an attempt to adopt an adult. *Hillers v. Taylor*, 108 Md. 156.

The act of 1892, ch. 244, providing for the adoption of children in Maryland and giving them certain rights, having been passed after the decedent's death, an adopted child was held to have no interest in a fund in controversy. *Fisher v. Wagner*, 109 Md. 247.

See notes to sec. 76 and to art. 23, sec. 234 of Code of 1912 (see foot-note to art. 48A, sec. 146, this Code) and art. 93, sec. 18.