

An. Code, sec. 227. 1904, sec. 212. 1888, sec. 197. 1795, ch. 88, sec. 2.

242. The court may decree a sale of an equitable title in any case where a decree for the sale of the legal title could be passed, and the purchaser of such equitable title shall have the same remedy for obtaining the legal title, that the person whose equitable interest he purchased would have had if no sale had been made.

Creditors' bill insufficient under sec. 233, held not to be aided by this section. *Griffith v. Frederick Bank*, 6 G. & J. 446.

Cited but not construed in *Coombs v. Jordan*, 3 Bl. 318.

An. Code, sec. 228. 1904, sec. 213. 1888, sec. 198. 1862, ch. 156. 1868, ch. 273.

243. In all cases when one or more persons is or are entitled to an estate for life or years or to an estate tail, fee simple, conditional, base or qualified fee, or any other particular, limited or conditional estate in lands, and any person or persons is or are entitled to a remainder or remainders, vested or contingent, or an executory devise or devises, or any other interest, vested or contingent in the same land, on application of any of the parties in interest, a court of equity may, if all the parties in being are parties to the proceeding, decree a sale or lease thereof, if it shall appear to be advantageous to the parties concerned, and shall direct the investment of the proceeds of sale or the limitations of the reversion and rent, as the case may be, so as to enure in like manner as by the original grant to the use of the same parties who would be entitled to the land sold or leased, and all such decrees, if all the persons or parties who would be entitled if the contingency had happened at the date of the decree, shall bind all persons whether in being or not, who claim or may claim any interest in said land under any of the parties to said decree, or under any person from whom any of the parties to such decree claim, or from or under or by the original deed or will by which such particular, limited or conditional estates, with remainders or executory devises, were created.

Jurisdiction—Bill.

All parties in interest and in being who would be entitled, if the contingency had happened at the date of the decree, must be parties, and a sale must appear (either by proof or admissions of parties competent to bind themselves), to be advantageous, otherwise the court has no jurisdiction. These conditions must be complied with at the date of the decree. *Ball v. Safe Deposit Co.*, 92 Md. 506; *Snook v. Munday*, 90 Md. 702; *Devecmon v. Shaw*, 70 Md. 228; *Forbes v. Littell*, 138 Md. 214. And see *Scarlett v. Robinson*, 112 Md. 206; *Levering v. Gosnell*, 115 Md. 588.

Where the parties to the bill are all the interested parties in being and the bill alleges that a sale would be advantageous to the parties concerned, the court has jurisdiction, notwithstanding a further statement in the bill that the object of the sale is to prevent a sale of the life estate for taxes, and that the proceeds of the sale were to be used for that purpose and not to be reinvested. Test of jurisdiction. The provision in this section as to the investment of the proceeds is secondary to the provision authorizing the decree of sale, though the intention is that the proceeds of sale shall be invested. Generally a purchaser at a judicial sale who has paid the purchase money need not concern himself with its subsequent application. *Powell v. Bailey*, 138 Md. 171.

Bill held sufficient to give the court jurisdiction under this section; parties; title upheld. *Saml. Ready School v. Safe Deposit & Trust Co.*, 121 Md. 517.

For a bill filed by a life tenant against the trustees and remaindermen praying a sale under this section, see *Poultney v. Emerson*, 117 Md. 656.

The court has a right to decree a sale at the instance of a life tenant; jurisdiction under this section upheld. *Krone v. Linville*, 31 Md. 144.