

tage of an infant to raise money by mortgage for improvements and repairs, made or to be made, to his real property, or for monies spent or to be spent for the maintenance, support and education of the infant, or for monies spent or to be spent for the purchase of equipment, stock, including live stock, for seeds, fertilizer, cost of cultivating and harvesting crops necessary for the maintenance, upkeep and operation of the real property intended to be encumbered, or to pay any charges, liens or encumbrances thereon, the court may, on application of the guardian or next friend of such infant decree the conveyance of any interest, estate or term of years of such infant in any lands or real estate or personal property by way of mortgage, in such form and on such conditions as the court may direct; and the court may direct the guardian of such infant to execute such conveyance. The provisions of this section are to apply to the interest or estate which any infant may hold in common or jointly with any person of full age, and to all interests or estates to which any infant may be entitled in reversion, remainder or otherwise, and the court may decree that the interest of the tenant of the particular estate, or the holder of the prior remainders may be mortgaged with the consent of such tenant or holder; and the mortgagee shall not be required to look to the application of the proceeds of the mortgage.

74.

This section referred to in construing act 1880, ch. 64, authorizing Nursery and Child's Hospital to bind out for adoption children committed to it. Adoption as provided in statute only. Legacy to "children." *Zimmerman v. Thomas*, 152 Md. 265. 8.

Cited but not construed in separate opinion in *Lowe v. Lowe*, 150 Md. 603. (See notes to sec. 37.)

Court has jurisdiction under secs. 74-79 to pass decree of adoption where husband and wife petition for adoption of child, with written consent of its parents, the parents being divorced, etc. Decree will not be annulled in absence of fraud, surprise, mistake, etc. *Backus v. Reynolds*, 159 Md. 603.

Aunt of deceased mother of child not entitled to adopt child over objection of father even though not in position at time to provide home for it. *Connelly v. Jones*, 165 Md. 546.

Secs. 74-79 referred to in construing sec. 80. *Alston v. Thomas*, 161 Md. 621.

Cited but not construed in *Weller v. Ellis*, Daily Record, June 18, 1935.

1935, ch. 63.

74A. All persons residing on property lying within the physical boundaries of any county of this State or within the boundaries of the City of Baltimore but on property over which jurisdiction is exercised by the Government of the United States by virtue of the 17th Clause, 8th Section of the First Article of the Constitution of the United States, and Sections 31 and 32 of Article 96 of the Annotated Code of Public General Laws of Maryland, shall be considered as residents of the State of Maryland and of the County or of the City of Baltimore, as the case may be in which the land is situate for the purpose of jurisdiction in the Courts of Equity of this State in all applications for the adoption of infants.