

An. Code, 1924, sec. 30. 1912, sec. 29. 1904, sec. 28. 1888, sec. 28. 1888, ch. 478.

**31.** A trustee of property is "a person interested to deny" a title, adverse to the title or rights of some one who is not in existence, and for whom, if in existence, he would be a trustee.

As to trustees, see sec. 256, *et seq.*  
See notes to sec. 29.

An. Code, 1924, sec. 31. 1912, sec. 30. 1904, sec. 29. 1888, sec. 29. 1888, ch. 478.

**32.** Contingent characters or rights may be the subject of such a declaratory suit and decree if they are actually disputed, but not otherwise.

See notes to sec. 29.

An. Code, 1924, sec. 32. 1912, sec. 31. 1904, sec. 30. 1888, sec. 30. 1890, ch. 64.

**33.** No declaratory suit can be brought nor decree passed to establish a fact or facts that are without legal consequences, and wherever the court shall be of opinion that there is a question or questions involved in such suit, which a party or parties may be entitled under the constitution, to have submitted to a jury, the court shall, if such party or parties require it, direct an issue or issues to be made up and sent to any court of law convenient for trying the same, and the issues shall be tried in the said court of law as soon as convenient without any continuance longer than may be necessary to procure the attendance of witnesses, and the power of the courts of law and the proceedings thereto relative shall be as directed by law respecting the trial of issues from chancery, or the orphans' court as to proceedings therein, thereon and thereafter, but nothing herein contained shall be so construed as to prevent the equity courts of Baltimore City from summoning a jury to try such issue or issues pursuant to the provisions of section 419 of article four (4) of the Code of Public Local Laws (1938), title "Baltimore City," sub-title "Courts." The order granting or denying such issues shall be subject to appeal.

Issues raised by bills and answers held not to be such as should be submitted to a jury under this section; certainly all the issues should not be so submitted; motion properly refused. *Wilmer v. Placide*, 118 Md. 324.

See notes to sec. 29.

An. Code, 1924, sec. 33. 1912, sec. 32. 1904, sec. 31. 1888, sec. 31. 1888, ch. 487.

**34.** A declaratory decree made under the five foregoing sections shall be binding only on the parties to the suit and persons claiming through them respectively; and where any of the parties are trustees, on the persons for whom, if in existence at the date of the decree, such parties would be trustees, and the court may, in its discretion, make a declaratory decree as to the respective rights and legal characters of all or any of the parties to the suit.

See notes to sec. 29.

An. Code, 1924, sec. 34. 1912, sec. 33. 1904, sec. 32. 1888, sec. 32. 1888, ch. 487.

**35.** Such decree shall be subject to the same right of appeal as other decrees of courts of chancery.

Where will provided that son would not receive corpus of estate if he was living with his "present wife" when his younger brother reached the age of thirty, held that court of equity could properly assume jurisdiction to construe will under Secs. 29-35. *Fleishman v. Bregel*, 174 Md. 87.

See notes to Sec. 29.

As to appeals from courts of equity, see art. 5, sec. 30, *et seq.*  
Secs. 29-35 cited in *Curtis v. Md. Baptist Union Assoc.*, 176 Md. 430.