

time limited in said notice, the court may order testimony to be taken *ex parte*, according to the usual course in equity in cases of default for non-appearance; and upon testimony taken in the cause *ex parte*, or otherwise, if it is made to appear to the satisfaction of the court that it is expedient or would be to the interest and advantage of the parties concerned that the said burial ground should be sold, the court may forthwith pass a decree for the sale of said ground upon such terms and notice as it shall deem proper, and shall distribute the proceeds of sale among the parties interested according to their several interests, as the same shall be shown to the court; and before making said distribution the court may order and direct that so much and such part of said proceeds of sale, as shall be necessary for the purpose, shall be set aside and applied to the removal and burial of any dead that may lie in said burial ground, in the purchase of a lot in any cemetery, graveyard, or other appropriate place of sepulture, and in the expense of disinterment and re-interment of said dead; and any decree passed in a proceeding for a sale of a burial ground, as hereinbefore provided for, shall be valid to pass to the purchaser or purchasers of said burial ground the title of the same free, clear and discharged of, and from the claims of the corporation or trustees who may hold the same, their successors or assigns, and of all persons in interest as lot holders in such ground, whether they are entitled as original lot holders, and whether they be residents or non-residents, adults or infants.

Where certificates for lots in a cemetery are merely signed by the secretary but not sealed, acknowledged or recorded, and the owners of the cemetery sell it, the certificate holders, although they are not reimbursed for the money paid for their certificates, have no claim against the purchaser. Such sale need not be conducted under this section. *Rayner v. Nugent*, 60 Md. 520; *Partridge v. First Church*, 39 Md. 631. (See, however, art. 23, sec. 177.)

Where the leasehold interest in a lot is sold under this section, the purchasers acquire said interest, and also the interest of the lot holders though they may be non-residents or infants. *Brendel v. Zion Church*, 71 Md. 85.

This section held to enlarge the corporate powers of the archbishop of Baltimore under the act of 1832, ch. 308, and to remove the restrictions of that act to effect that land should be used only as a burial ground; so that a purchaser under this section got a clear title. *Gump v. Sibley*, 79 Md. 171.

Where a cemetery is sold under the act of 1868, ch. 211, the lot holder is not entitled to compensate out of the proceeds of the sale for improvements or erections upon his lot; the most that he could claim would be to recover back the price he paid for the license. The lot owners' right of removal. *Partridge v. First Church*, 39 Md. 636.

Proof held not sufficient to justify a decree of sale under the act of 1868, ch. 211. *Reed v. Stouffer*, 56 Md. 251.

Cited but not construed in *Nicolai v. Baltimore*, 100 Md. 587.

As to cemetery companies, see art. 23, sec. 174, *et seq.*

An. Code, 1924, sec. 111. 1912, sec. 108. 1904, sec. 104. 1888, sec. 93. 1886, ch. 151.

116. In cases where proceedings have been or shall be instituted for the renewal of a lease containing a covenant for renewal, the court may pass a decree for the renewal of such lease, which shall be binding upon all persons who shall have become parties to such proceedings by summons or appearance, or who shall have been proceeded against by publication, as provided by section 142 of this article; and such decree shall be sufficient to renew the title of all persons interested under such lease, according to their respective interests and estates thereunder, for such additional term, under such rent and upon such covenants, conditions and stipulations as were provided in such lease.

As to unknown defendants to a bill for the renewal of a lease, see sec. 150.

See notes to sec. 103.

See art. 21, sec. 112.