

prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week for four successive weeks, two months before the day fixed by such order for the appearance of the parties, and if such lot-holders shall not appear at the time stated in such notice a commission to take testimony may be issued by the complainant *ex parte*. After the return of such commission the court, upon being satisfied from the testimony, that it is necessary and would be for the interest and advantage of the parties interested that the ground should be sold, may forthwith pass a decree for the sale of the same upon such terms 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. A decree passed in a proceeding for the sale of a burial ground shall be valid to pass the title to the purchaser or purchasers of the same or any part thereof, free, clear, and discharged of and from the claims of the corporation or trustees who may hold the same for the purposes aforesaid, their successors or assigns, and of all persons having an 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.

Testimony *ex parte*.

Decree of court

SALE OR LEASE.

12. 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 on an executor's 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 leasehold interest, as the case may be, so as to inure 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.

1868, c 278
Sale or lease of life estates and estates dependent
31 Md 139,
32 Md 571

Whnt persons the decree to bind.

PARTITION, OR SALE.

13. The court may decree a partition of any lands or tenements, or any right, interest, or estate therein, either legal or equitable, on

Art 16, s 99
1785, c 72, s 12,
1790, c 38, 1794