

c 60, s 8, 1797,
 c 114, s 5; 1800,
 c 67, s 3, 1818,
 c 193, s 11, 1820,
 c 191, s 48, 1831,
 c 311, ss 1, 9,
 1832, c 302, s 4
 When partition
 to be decreed in
 equity
 9 Md 287, 500,
 19 Md 231, 18
 Md 394, 17 Md
 291, 22 Md 41,
 363, 23 Md 86;
 26 Md 28, 27
 Md 268, 452, 29
 Md 12, 34, 30
 Md 120, 81 Md
 138, 32 Md 571,
 35 Md 344, 474,
 3 Bl 184, 6 G &
 J 111, 12 G & J
 388.
 When sale to be
 decreed.
 Parties

Art 16, s 36
 1816, c 154, s 1,
 1818, c 193, s 7,
 1819, c 144, s 2,
 1835, c 380, s 9.
 When property
 of infants may
 be decreed to be
 sold
 19 Md 376, 26
 Md 33, 27 Md
 462, 30 Md 179,
 33 Md 128, 34
 Md 675, 35 Md
 474, 36 Md 619,
 11 G & J 87

Id s 37
 1816, c 154, s 1,
 1818, c 193, s 2,
 1818, c 193, s 18,
 1840, c 109, s 3
 By whom
 petition for sale
 filed
 9 Md 288, 21
 Md 439, 28 Md
 307, 34 Md. 675

Proceeding

1868, c 249
 Decree for sale
 of infants' real
 estate and sale
 thereof

Failure to sum-
 mon infants
 and take their
 answer, how
 cured.

the bill or petition of any joint tenant, tenant in common, or any parcener, or any concurrent owner, whether claiming by descent or by purchase; or, if it appears that the said lands or tenements, or right, interest, or estate therein, cannot be divided without loss or injury to the parties interested, the court may decree a sale thereof, and a division of the money arising from such sale among the parties, according to their respective rights. This section to apply to cases where all the parties are of full age, and to cases where all the parties are infants, and to cases where some of the parties are of full age and some infants, and to cases where some or all of the parties are *non compos mentis*, and also to apply to cases where any or all of the parties are non-residents, and any party, whether of full age, infant, or *non compos mentis*, may file a bill under this section, an infant by his guardian or *prochein ami*, and a *non compos* by his committee or trustee.

PROPERTY OF INFANTS.

14. Where an infant is entitled to any real or personal property in this State, of any kind, or entitled to a reversion, vested, or contingent remainder, or an executory devise in any such property, or any use, trust, or equitable interest therein, the court may, if it shall appear to be for the benefit and advantage of such infant, decree a sale thereof, if the provisions of the following sections are complied with.

15. No decree for sale shall pass under the preceding section but upon the petition of the guardian or *prochein ami* of such infant, and the appearance and answer of such infant, by guardian to be appointed by the court, and proof by the depositions of at least two discreet and respectable witnesses, to be taken under a commission to be issued for that purpose; and the witnesses shall state in their depositions the value and quantity of the property, and the facts and circumstances which show that it would be for the benefit and advantage of such infant that a decree for a sale should be passed.

16. Whenever, upon the petition of any infant or infants, by their guardian or next friend, a decree has been passed, or shall hereafter be passed, for the sale of the lands, tenements, or real estate of said infant, or infants, or of his, her, or their interest in the same, and a sale thereof has been or shall be made in pursuance of said decree, which said sale has been or shall be confirmed by the court in which such decree was had, and it shall appear that there was a failure to summon said infant or infants, and to have them answer by a guardian appointed by the court by whom the said decree had been passed, it shall and may be lawful for the Circuit Courts of this State, sitting as courts of equity, to confirm said sale; and all proceedings had thereon, upon the petition of the guardian or next friend of such infant, or infants, or upon the petition of any party having an interest in said sale, and after summoning such infant,