

or infants, and his, her, or their appearance by guardian to be appointed by said courts, and such other proceedings had as required for a decree of sale of infants' real estate; *provided*, upon a hearing and examination of all the circumstances, it shall appear to said courts that said sale was fairly and *bonâ fide* made, and that at the date of said decree it was for the benefit and advantage of said infant, or infants, to sell said lands, tenements, and real estate, or for his, her, or their interest in the same; and, upon the confirmation of said sale, all the proceedings had, in pursuance of said decree, and in conformity thereto, including the deeds of the trustees there made, or thereafter to be made, shall be as valid and binding upon all parties, and shall confer as good title upon the purchasers as if the proceedings upon which the original decree was passed had been in strict conformity to the requirements of law.

Proviso.

When proceedings valid.

17. In all cases where it shall appear to the court by proof, as provided in the preceding section, that it would be for the benefit and advantage of an infant to raise money, by mortgage, to improve his real property, or to pay any charges, liens, or incumbrances 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 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 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.

Art 16, s 38.
1831, c 311, s 12;
1849, c 421
When property of infants decreed to be mortgaged

18. Where an infant is entitled to any lands or tenements, or chattels real, or is entitled to any particular estate for life, or for years, or otherwise, or to a remainder or reversion, or executory devise, or if an infant be entitled to any trust or use in or out of such lands, real estate, or chattels real, or the rents, issues, and profits thereof, in all such cases the court, on petition of the guardian or next friend, and on being satisfied by proof, as in cases where a guardian applies for the sale of an infant's real estate, that it would be advantageous for said infant to demise such lands, real estate, or chattels real, may decree that the same be demised for a term of years, renewable forever, or otherwise, and yielding such rent and on such terms and conditions as the court may direct; *provided*, that where the infant is only entitled to a part of the estate, as tenant of the particular estate, or remainderman, or otherwise, all the owners of the other parts, so as to embrace the entire fee, if a freehold estate, or the whole term, if leasehold, assent to the passing of such decree.

Id. s. 39.
1841, c 311, ss 2, 3, 1835, c. 330, ss. 5, 9
Leasing of infant's estate
3 Md. ch 262.

All owners to be joined.