

Id s 40
1831, c 311, s 3
What estates
may be demised

19. Any infant who may be presumptively or apparently, for the time being, entitled to any contingent or other remainder, or any executory devise, use, or trust, in any lands or chattels real, may claim a decree for a demise under the preceding section

Id s 41
1831, c 311, s 3
Adults may as-
sent to demise

20. Any person of full age, apparently or presumptively, for the time being, entitled to any contingent or other remainder, reversion, or executory devise, in the lands, or chattels real, mentioned in the two preceding sections, may assent to a demise, or a decree therefor, on behalf of such estate to which he is so presumptively or apparently entitled

Id. s 42
1831, c 311, ss
4, 5
Decree for de-
mise by assent
3 Md Chan
Dec 262

21. Where the owner of the particular estate, for life or years, or for other estate, is of full age, the court may, on his application, and with the consent of all the owners of the other parts of the estate, decree a demise, or, if the person whose consent is required to authorize a decree for a demise be an infant, or, being of full age, shall refuse to assent, the court may, if such person be made a defendant, on considering the pleading and evidence in the case, determine whether a decree should be made, and decree accordingly.

Decree for same
by court

Id s 43
1831, c 311, ss.
6, 13
Non-residents

22. The preceding sections to apply to cases where any or all of the defendants are non-residents, and such non-resident defendants may be proceeded against in the same manner as non-resident defendants in other cases, *provided*, that non-resident infants, against whom their guardian or next friend may file a petition or bill for the sale, mortgage, demise, or exchange of their lands or property, shall be proceeded against as directed in cases where a guardian applies for the sale of such infants' real estate

Non-resident
infants, pro-
ceedings same
as in case of sale
by guardian

23. Upon the application of the guardian or next friend of an infant, the court may, if it appears for the benefit and advantage of such infant, authorize and decree an exchange of real estate, or chattels real, in which such infant has any estate, interest, trust, or property, or benefit, for other real estate, or chattels real, or interest, trust, or property therein; and the court, in decreeing such exchange, may not require equality or sameness in the quantity or character of the estate or interests, and the court may appoint trustees to execute the deeds necessary to carry such exchange into effect.

Id s 44
1835, c 367, s 2.
Application for
sale by guar-
dian, of infant's
estate

24. Where the real estate of an infant is sold upon the application of his guardian or *prochein ami*, the money arising from such sale shall be invested as the court shall direct, in the name of such infant, and the surplus interest, after deducting what may be necessary for the maintenance and education of such infant, shall also be invested as aforesaid, and such investments shall not be transferred except by order of the court, and any transfer without such order shall be void.

Id s 45
1816, c 154, ss
5, 6, 7
Proceeds in-
vested
27 Md 452, 547,
34 Md 675

Id. s 46
1816, c 154, s 8
Principal not
applied to in-
fant's support
unless neces-
sary.

25. No part of the principal arising from such sale of any real estate shall be applied to the maintenance of any infant, unless the court shall consider it necessary and order the same to be done.