

1888, ch 478.

28. A trustee of property is "a person interested to deny" a title, adverse to the title or rights of some one who is not in existence, and for whom, if in existence, he would be a trustee.

Ibid.

29. Contingent characters or rights may be the subject of such a declaratory suit and decree if they are actually disputed, but not otherwise.

Ibid

30. No declaratory suit can be brought, nor decree passed to establish a fact or facts that are without legal consequences.

Ibid

31. A declaratory decree made under the foregoing sections shall be binding only on the parties to the suit and persons claiming through them respectively; and where any of the parties are trustees, on the persons for whom, if in existence at the date of the decree, such parties would be trustees, and the court may, in its discretion, make a declaratory decree as to the respective rights and legal characters of all or any of the parties to the suit.

Ibid

32. Such decree shall be subject to the same right of appeal as other decrees of courts of chancery.

Deeds.

P. G. L., (1860,) art 16, sec. 23. 1785, ch 72, sec. 11. 1791, ch. 79, secs. 2-3. 1792, ch 41, sec. 3.

33. In case any deed shall be executed, to the validity of which, recording is necessary by law, and such deed hath not been recorded agreeably to law, without any fraudulent intention of the party claiming under such deed, the court shall have full power and authority, upon application of the party claiming under such deed, and upon such notice being given to the party making such deed, his heir, devisee, executor or administrator, as the court may direct, and being satisfied that the party claiming under such deed, has a fair and equitable claim to the premises