

*been sold therein and deeds or other written instruments have been executed or issued to the purchasers of such lots without provision having been made for the perpetual care and maintenance of such lots, has been abandoned or is or becomes a menace or detrimental to the public health, safety, security or welfare, anyone having a property right in such cemetery or burial ground or any public agency having an interest in the elimination or abatement of the conditions in such cemetery or burial ground which are or become a public nuisance shall have the right to file a bill of complaint in either one of the equity courts of Baltimore City setting forth the foregoing facts, and setting forth the names of the owners of lots in such cemetery or burial ground or their assignees so far as the same may be known, and upon the filing of such bill of complaint the court shall order notice by publication in one or more daily newspapers published in the City of Baltimore, or the court may, in its discretion, order notice to be given by posting the premises at the points thereon and in such form as may be designated by the court for such period of time as the court may direct but such posting shall not be less than twelve (12) weeks before the day fixed for the appearance of the parties, and if notice is given by publication, it shall be in such form as may be designated by the court and shall be published for such number of times as the court may direct but such notice shall not be published less than once each week for four (4) successive weeks prior to a date at least eight (8) weeks before the day fixed for the appearance of the parties, warning all of the lot owners, their assignees or other persons in interest, residents or non-residents, adults, infants and other persons under any legal incapacity, to appear in court on or before the day fixed in said notice, to show cause, if any they may have, why the relief prayed for should not be granted. Upon a failure of appearance by any of said lot owners, or any other party having an interest in any of said lots, by the time limited in said notice, the court may order testimony to be taken ex parte, in accordance with the usual practice in equity in cases of default for non-appearance. Upon testimony being taken in the cause ex parte, or otherwise, if it is made to appear to the satisfaction of the court that all or more than 75% of the acreage of the particular cemetery or burial ground involved has been abandoned or has become a menace or is detrimental to the public health, safety, security or welfare, the court may forthwith pass a decree ordering the sale of the entire land or property and each and every burial lot contained in such cemetery or burial ground and each and every interest therein upon such terms, conditions and notice as the court may deem proper and appoint a trustee to so do. The proceeds derived from such sale shall be collected by the said trustee and shall be used, distributed and paid over by the trustee in the order, for the purposes, in the manner, to the extent and to the persons hereinafter mentioned, as follows: 1st, for the removal and reinterment of any and all bodies that with reasonable care can be definitely located in such cemetery or burial ground, and for the purchase of a lot in any other cemetery, burial ground or other appropriate place of sepulture in which to reinter such bodies, and to pay any and all expenses incurred for or in connection with the disinterment and reinterment of such bodies; 2nd, in the event any lot in such cemetery or burial ground has been and is being maintained in good order and condition, and any monument or marker situate on such lot that has been and is being maintained in good order are not damaged but are in good condition, then a lot shall be purchased in any other*