fort of the lunatic, giving him every comfort his situation will admit of without any regard to expectants, (see Exp. Chumley, 1 Ves. Jun. 296; *In re* Rachel Colvin, 3 Md. Ch. Dec. 278); and the second and subordinate one is not to vary the nature of the property so as to affect the right of succession unless it be necessary for the benefit of the lunatic, Weld v. Tew, Beat. 266. The subject was much dwelt on in Oxenden v. Lord Compton, 2 Ves. 69. It was there observed of the phrase in *cap.* 10 *supra*, that the king is to keep the land without waste or destruction, that these words were to be understood in the ordinary and not in the technical sense of waste. Thus it was said that there are cases, (which would not at all apply to the case of tenant for life or years,) in which to cut timber upon the lands of the lunatic would be no waste. In cases where the timber makes part of the general rental, not merely where it is necessary for his sustenance, it is the duty of the administrator to continue the usual management of the estate and that which is suited to its circumsances. The Lord Chancellor went on to say, that the course upon the Statute has been to commit the power to a certain great officer, not of necessity the person who has the custody of the great seal though it generally attends him, by warrant from the Crown, which confers no jurisdiction but only a power of administration. And his Lordship added this strong language, that in the series of orders made by persons charged with the custody of lunatics, "there is one general principle, not perhaps without some possible deviation, that the general object of the attention of the administrators is solely and entirely the interest of the lunatic himself, and with regard to the management of the estate, solely and entirely the interest of the owner, without looking to the interests of those who upon his death may have eventual rights of succession; and nothing could be more dangerous or mischievous than for him to consider how it would affect the successors;" and these remarks he illustrated by apt examples. The precise point adjudged in the case was, that there was no equity between the real and **164** personal *representatives, after the death of a lunatic, to have property, which was altered by the Court, restored, but a representative must take his interest as fortune has directed it, and that therefore the produce of timber on the estate of a lunatic, cut and sold on a report that it would be for his benefit, was personal assets. So ordinary repairs upon a lunatic's real estate will be directed to be borne by the personal estate,

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lunatic must have reasonable notice of the time and place of taking the inquisition and an opportunity to attend and make his defense; though the court may pass an order dispensing with notice to him and with his personal attendance, where he is out of the state, or where it would be injurious to him to be brought before the jury, or for any other reason sufficient to the court. Royal Arcanum v. Nicholson, 104 Md. 472. But an adjudication of insanity under the writ cannot be attacked collaterally on the ground that the lunatic was not summoned; and a sale of his property made under such circumstances by his committee under order of court is valid. Packard v. Ulrich, 106 Md. 246. An appeal lies from an order of the lower court confirming an inquisition and appointing a committee. *Ex parte* Bristor, 115 Md.—.