

1904, art. 16, sec. 111. 1888, art. 16, sec. 100. 1860, art. 16, sec. 83. 1828, ch. 26, sec. 1. 1829, ch. 222. 1833, ch. 150. 1894, ch. 221.

118. In all applications by a guardian, committee or trustee of the property of a person *non compos mentis* to sell any of the real, leasehold or personal property of such person *non compos mentis*, or to demise any of the real or leasehold property of such person *non compos mentis*, or to accept the surrender of lease thereof, the court shall, before passing an order or decree, have proof taken as in other chancery cases as to the value, quantity and condition of the property, and after considering all the circumstances, if the court shall deem it to the interest and advantage of such person *non compos mentis*, it may order or decree a sale, lease or surrender of a lease of the whole or any part of the said property on such terms and conditions as the court may prescribe.

This section has no application to a sale at the instance of a lunatic's committee for the purpose of paying taxes and the lunatic's board. History and object of this section. When this section applies. *Estate of Dorney*, 59 Md. 70 (decided prior to the act of 1894, ch. 221).

Prior to the act of 1894, ch. 221, to give the court jurisdiction to order a sale under section 116, there must have been a summons or order of publication. Effect of the act of 1894, ch. 221. *Willis v. Hodson*, 79 Md. 329.

Although the averments of a bill for the sale of a lunatic's real estate are not sufficient, a party not injured thereby can not rely on such defect. *Wampler v. Wolfinger*, 13 Md. 345.

This section referred to in construing section 51—see notes thereto. *Tome v. Stump*, 89 Md. 269.

Cited but not construed in *Williams' Case*, 3 Bl. 192. *Campbell's Case*, 2 Bl. 224.

Ibid. sec. 112. 1888, art. 16, sec. 101. 1860, art. 16, sec. 84. 1785, ch. 72, sec. 8. 1800, ch. 67, sec. 4.

119. No sale, lease or surrender of a lease of the property, real or personal, of a person *non compos mentis*, shall be valid unless the same shall be reported to and confirmed by the court.

This section construed in connection with section 51—see notes thereto. *Tome v. Stump*, 89 Md. 273.

Ibid. sec. 113. 1888, art. 16, sec. 102. 1860, art. 16, sec. 85. 1828, ch. 26, secs. 4, 5.

120. The court may allow to the trustee, committee or other person charged with the care of the person or estate of any *non compos mentis*, any sum not exceeding ten per cent. on the income and expenditures of such *non compos mentis*, for the care and trouble of such trustee, or person so charged as aforesaid.

The trustee, etc., does not receive commissions on the fund which he pays over to the *non compos* when he is restored to reason, or to his representatives. It is only on the receipts and expenditures during the continuance of the trust that commissions are allowed. *Whyte v. Dimmock*, 55 Md. 455.

As to when costs, counsel fees and other expenditures will be allowed a committee, see *Colvin's Estate*, 4 Md. Ch. 126.

Ibid. sec. 114. 1888, art. 16, sec. 103. 1860, art. 16, sec. 86. 1800, ch. 67, sec. 2.

121. In all cases where a trustee has been appointed by the court for the management of the person and estate of a person *non compos*