

mentis, the court may decree that the property of such *non compos mentis*, or so much thereof as may be necessary, be sold for the support of such *non compos mentis*, or for the payment of all reasonable and just expenses which said trustee may have incurred.

Property of the lunatic may be sold to pay taxes and his living expenses without the formalities (prior to the act of 1894, ch. 221) prescribed by section 118. *Estate of Dorney*, 59 Md. 70. *Willis v. Hodson*, 79 Md. 330.

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

1904, art. 16, sec. 115. 1888, art. 16, sec. 104. 1860, art. 16, sec. 87.
1797, ch. 114, sec. 7. 1813, ch. 21.

122. The court may, on the application of any trustee of a person *non compos mentis*, and receiving proof that it is necessary and proper to confine such person, direct such trustee to send the person under his charge to any hospital in the vicinity of the city of Baltimore, provided he can be there received, to remain until the further order of the court.

Ibid. sec. 116. 1896, ch. 33, sec. 104 A.

123. In case of application by petition of a person who has been adjudged a lunatic or *non compos mentis* to have the commission superseded on the ground of recovery or restoration to a sound state of mind and capacity to manage his affairs, the petitioner shall be entitled to have the question submitted to a jury empaneled under the order of the court for the purpose, whose verdict shall be binding on the court, unless set aside for cause.

See notes to sec. 114.

Non-Residents.

Ibid. sec. 117. 1888, art. 16, sec. 105. 1860, art. 16, sec. 88. 1773, ch. 7, sec. 3.
1785, ch. 72, sec. 30. 1787, ch. 30, sec. 1. 1789, ch. 46. 1795, ch.
88, sec. 1. 1799, ch. 79, sec. 1. 1818, ch. 193, sec.
11. 1842, ch. 206, sec. 2.

124. If in any suit in chancery, by bill or petition, respecting, in any manner the sale, partition, conveyance or transfer of any real or personal property lying or being in this State, or to foreclose any mortgage thereon, or to enforce any contract or lien relating to the same, or concerning any use, trust or other interest therein, any or all of the defendants are non-residents, the court in which such suit is pending may order notice to be given to such non-residents, of the substance and object of such bill or petition, and warning them to appear by a day therein stated.

Generally.

A decree that a party is entitled to a conveyance from a non-resident, may be made effective by the appointment of a trustee under section 95, and to that end the proceedings are *in rem*. *Hollander v. Central Metal Co.*, 109 Md. 149.

Where the clerk of the court has trust money in his hands, the court has jurisdiction over such money and may proceed against the trustee as a non-resident. Such a proceeding is *in rem*. *Chappell v. Clarke*, 94 Md. 182.