

## ARTICLE XVI.

### CHANCERY.

#### Inebriates.

56A. Maximum annual appropriation of Baltimore City for inebriates.

#### Non Compos Mentis.

117-119. *Non compos mentis*, lease, mortgage and sale of property of; report and ratification; surrender of leases.

#### Non-Residents.

125A. Sale of Maryland property of non-resident lunatic; proof of disability and qualification of committee; payment of proceeds.

#### Trustee.

237. Trustee for benefit of creditors of for sale of property, to file bond; proviso.

#### Witnesses and Testimony.

261-261A. Oral examination of witnesses; procedure upon objections; appeal, bills of exceptions not required.

261B. When a case has already been to Court of Appeals, on subsequent appeal only proceedings subsequent to first appeal need be included in transcript.

#### Abatement and Revivor.

1.

The provisions of article 16 in reference to cases which would, but for the statute, have abated on the death of a party are very liberal. There being no ground for the contention that proceedings would have abated upon the death of the party, the most that can be claimed is that his death should have been brought to the attention of the court. *Spedden v. Baltimore Refrigerating, etc., Co.*, 117 Md. 452.

7.

See note to section 8.

8.

There being no final decree, this section held not in terms to apply, though the court might under its general equity power have directed a sale to be postponed upon application. *Appold v. Prospect Bldg. Assn.*, 37 Md. 457, distinguished. *Spedden v. Balto. Refrigerating, etc., Co.*, 117 Md. 452.

#### Alimony.

14.

In states (such as Maryland) where alimony is regarded as a maintenance for the wife's support out of the husband's income, and not as a division of property, equity has jurisdiction to modify the part of a decree providing for alimony, whether a divorce *a vinculo* or *a mensa* be granted. When alimony is so regarded, the wife's remarriage ordinarily relieves the former husband of the payment of alimony. When a husband and wife agree as to alimony and the court regards the agreement as fair and proper, it may be incorporated in the decree; the court has the same control, however, over such decree as if there had been no agreement. Where