

An. Code, sec. 56. 1904, sec. 52. 1894, ch. 247, sec. 5.

**57.** A drunkard as mentioned in the four preceding sections shall be deemed to include any person who has acquired the habit of using spirituous, malt or fermented liquors, cocaine or other narcotics to such a degree as to deprive him of reasonable self-control.

See notes to sec. 53.

An. Code, sec. 56A. 1914, ch. 117.

**58.** The Mayor and City Council of Baltimore shall not be obliged to appropriate more than three thousand dollars (\$3,000) in any one year for the care of inebriates, under sections 53 to 57 of the above Article, and no order shall be passed by a Court under said sections for the care of inebriates at the expense of the Mayor and City Council of Baltimore, in any year, after the appropriation made in the Ordinance of Estimates for that year shall have been exhausted, except by the consent of the Board of Estimates, acting by the City Solicitor.

### Infants.

An. Code, sec. 57. 1904, sec. 53. 1888, sec. 48. 1816, ch. 154, sec. 1. 1818, ch. 193, sec. 7. 1819, ch. 144, sec. 2. 1835, ch. 380, sec. 9.

**59.** Where an infant is entitled to any real or personal property in this State, of any kind, or entitled to a reversion, vested or contingent remainder, or an executory devise in any such property, or any use, trust or equitable interest therein, the court may, if it shall appear to be for the benefit and advantage of such infant, decree a sale thereof, if the provisions of the following section are complied with.

#### This section contrasted with other sections.

A bill held to have been filed under sec. 152, and not under this section, and hence sec. 60, held to have no application. *Koontz v. Koontz*, 79 Md. 360; *Benson v. Benson*, 70 Md. 257 (decided prior to the act of 1890, ch. 18—see sec. 68); *Earle v. Turton*, 26 Md. 33, *Lawes v. Lumpkin*, 18 Md. 340; *Dalrymple v. Taneyhill*, 4 Md. Ch. 173. *Cf. Mumma v. Brinton*, 77 Md. 200; *Gill v. Wells*, 59 Md. 499.

This section distinguished from sec. 152; being *in pari materia*, they are to be construed together. Import of the two sections. Parties. Notice Qualification of surety. *Bolgiano v. Cooke*, 19 Md. 392.

A proceeding under this section contrasted with a proceeding under sec. 243—see notes thereto. *Newbold v. Schlens*, 66 Md. 588.

#### Generally.

Necessary allegations to bill for sale under this section. Failure of both allegations and proof to conform to this and the following section. *Fox v. Reynolds*, 50 Md. 571; *Roche v. Waters*, 72 Md. 270. *Cf. Boliano v. Cooke*, 19 Md. 393.

The sale of an infant's land under this section, does not work a conversion from realty to personalty. This section construed in connection with secs. 60, 68, 69 and 71, and also with art. 93, sec. 203—see notes thereto. *Clay v. Brittingham*, 34 Md. 676; *Bernard v. Equitable Trust Co.*, 80 Md. 124.

A decree for a sale of an infant's lands may be impeached by the infants themselves, or in case of their death by their heirs, for fraud or the non-observance of jurisdictional requirements, or on any other ground which shows that the decree was improper, such as want of proper parties. A decree cannot be impeached, however, for a mere irregularity, nor because the infants, after arriving at age, were not given an opportunity to object. Fraud not established. The husband of a guardian, may become a purchaser. *Gregory v. Lenning*, 54 Md. 53; *Bolgiano v. Cooke*, 19 Md. 396.

Act of 1819, ch. 144, extended provisions of act of 1816, ch. 154, to personal estate. *Carlyle v. Carlyle*, 10 Md. 446. *Cf. O'Hara v. Shepherd*, 3 Md. Ch. 315.