

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.

This section referred to in deciding that the court having jurisdiction over a lunatic and her estate, must see that she is provided for out of the funds under its control, leaving the question of the liability of the husband for such expenses to be determined in an appropriate proceeding. *Bliss v. Bliss*, 133 Md. 74.

The custody of the person and property of the lunatic must have been already committed to the trustee before this section can apply. This section distinguished from sec. 121. Sale held not to have been made for any of the purposes mentioned in this section. See note to sec. 121. *Rutledge v. Rutledge*, 118 Md. 557.

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 sec. 121. *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.

An. Code, sec. 122. 1904, sec. 115. 1888, sec. 104. 1797, ch. 114, sec. 7. 1813, ch. 21.

**126.** 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.

An. Code, sec. 123. 1904, sec. 116. 1896, ch. 33, sec. 104A.

**127.** 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of application by petition of a person who has been adjudged a lunatic or *non compos mentis* to have the commission superseded on the ground of recovery or restoration to a sound state of mind and capacity to manage his affairs, the petitioner shall be entitled to have the question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. 117.

**128.<sup>1</sup>**

1920, ch. 712, sec. 123A.

**129.** If any non-resident *non compos mentis*, declared to be such by a Court of competent jurisdiction in the State, District or Territory of the United States in which such *non compos mentis* resides, shall be entitled to any legacy, bequest or distributive share or to the proceeds of any sale made under a decree of a court of equity, or to any money or property in the hands of a trustee appointed by will or deed, or any property in the hands of any executor or administrator in this State, and such *non compos mentis* has a committee or guardian regularly appointed where he or she resides, such foreign committee may upon application by petition to the proper Court in this State obtain an order for the payment, transfer, or delivery of such proceeds, legacy, bequest or distributive share by such trustee, administrator, executor or other fiduciary; provided the petition

<sup>1</sup> Through inadvertence no section was numbered 128.