

or interest of any kind in any real, leasehold, sub-leasehold, or sub-sub-leasehold property by deed or by last will and testament and there is vested in, or reserved to, such person during the term of his or her natural life the authority, right and/or power to sell, convey, lease, mortgage, or otherwise dispose of, or in any other manner to encumber such property or estate, or any portion thereof, in those cases, the Court shall have the right to authorize and direct the guardian, committee or trustee of the person, property and/or estate of such lunatic or person non compos mentis, to exercise and execute such right, power and authority as may be vested in such person by such deed or last will and testament to the same extent and as fully as such person might have done had he not been declared a lunatic or non compos mentis; provided it shall appear to the Court that the exercise of such power or authority, as aforesaid, is for the benefit of said lunatic or person in non compos mentis.

Partition.

152.

Except for this section, judgment creditor would not, as rule, be proper party to partition case in which debtor is interested. Right to caveat will. *Lee v. Keech*, 151 Md. 37.

Partition may be had under this section on bill filed by fee simple owner of undivided one-third interest against remaindermen in fee in other two-thirds, although complainants also own life estate in latter. *Bosley v. Burk*, 154 Md. 31.

To second note to this section, page 495, vol. 1, of Code, add: And see *Bosley v. Burke*, 154 Md. 31.

Allegation to entitle to sale under this section should be direct and specific, and especially when proceedings for sale are made after mortgage proceedings have been instituted and bond of attorney named in mortgage has been filed. *Tucker v. Hudson*, 158 Md. 13.

Cited but not construed in *Kirkpatrick v. Lewis*, 159 Md. 69.

Nothing in this section restricts sale to a minimum or upset price. *Kemp v. Waters*, 165 Md. 523.

Pleadings, Practice and Process.

157.

Since plaintiff's equity does not depend upon writing, but upon oral lease, this section held not to apply. Documents or records in possession of defendant need not be filed with bill. *Hall v. Sharp Street Station*, 155 Md. 658.

Contention that "prospectus" and "album" should have been filed as exhibits with bill charging fraud in sale of stock, overruled. *Sears v. Barker*, 155 Md. 332.

160.

Insane person, for whom committee had been appointed, should be made party to suit to rescind insurance policy for misrepresentation. *Life Ins. Co. v. Hartle*, 165 Md. 127.

161.

See notes to sec. 160.

162.

See art. 72A.

163. Repealed by ch. 376 of Acts of 1929.