

PROPERTY OF PERSONS NON COMPOTES MENTIS.

Art 16, s 79
1785, c 72, s 6,
1815, c 163
Jurisdiction in
cases of persons
non compos
mentis
3 Md 454, 9 Md
287, 13 Md 337,
14 Md 300,
43 Md 311, 2 H
& J 293, 2
Bl 89, 1 Gall 345

34. The court shall have full power and authority, in all cases, to superintend and direct the affairs of persons *non compos mentis*, both as to the care of their persons and the management of their estates, and may appoint a committee, or a trustee or trustees for such persons, and may make such orders and decrees respecting their persons and estates as to the court may seem proper.

Appointment of committee of person and estate.

Id s 80
1785, c 72, s 6
Application by
creditor of, for
sale of estate.

35. On the application of any creditor of a person *non compos mentis*, the court may decree a sale of the real or personal estate of such *non compos mentis*, or such part thereof as may be necessary to pay the claim of such creditor, if the court is satisfied of the justice of the claim, and that there is no other means of paying the same.

Id s 81
1790, c 60, s 2,
1800, c 67, s 3,
1819, c 144, s 1,
1828, c 26, 1829,
c 222
Sale upon appli-
cation of guar-
dian, commit-
tee, or trustee

36. The court, upon the application of the guardian, committee, or trustee of any person *non compos mentis*, may decree the sale of any real or personal property to which such *non compos mentis* may be entitled, and order the money arising therefrom to be invested in stocks or mortgages on real estate, or other safe securities, as the court may deem most advantageous to such *non compos mentis*; and on the death of such *non compos mentis*, the principal sum arising from such sales of real estate, shall descend to the persons to whom the real estate would have descended if the same had not been sold.

Investment of
proceeds
How proceeds
to descend on
death of *non
compos mentis*

Id s 82
1833, c 150, s 2.
Lease or sur-
render

37. The court may order any real or leasehold property of a person *non compos mentis*, to be leased for any term of years, and renewable forever, or may order the surrender of any lease of the estate or property of such person to be accepted, and the same to be demised anew, on such terms and conditions as the court may direct.

Id s 83
1828, c 26, s 1,
1829, c 222,
1833, c 150
Proceedings.

38. In all applications to sell the real or personal property of a person *non compos mentis*, or to demise the real or leasehold property of such person, or to accept the surrender of a lease thereof, the court shall, before passing a decree, have the appearance and answer of such person, by his guardian to be appointed by the court, and have proof taken, as in other chancery cases, as to the value, quantity, and condition of the property, and, after considering all the circumstances, if the court shall deem it for the interest and advantage of such *non compos mentis*, it may decree a sale, lease, or surrender of the whole or part of such property, on such terms and conditions as the court may prescribe, but the court may decree a sale for the payment of debts, without being satisfied that such sale is for the interest and advantage of such *non compos mentis*.

Sale to pay
debts

Id s 84
1785, c 72, s 8,
1800, c 67, s 4
Sale, etc, not
valid, unless
confirmed by
court

39. No sale, lease, or surrender of a lease of the property, real or personal, of a person *non compos mentis*, shall be valid unless the same shall be reported to and confirmed by the court.