

40. The court may allow to the trustee, committee, or other person charged with the care of the person or estate of any *non compos mentis*, any sum not exceeding ten per cent., on the income and expenditures of such *non compos mentis*, for the care and trouble of such trustee, or person so charged as aforesaid.

Id s 85
1828, c 26,
ss 4, 5
Allowance to
committee, etc.

41. In all cases where a trustee has been appointed by the court for the management of the person and estate of a person *non compos mentis*, 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.

Id s 86
1800, c 67, s 2
May order sale
for support

MORTGAGES.

42. Every deed conveying real estate or chattels, which by any other instrument or writing shall appear to have been intended only as a security in the nature of a mortgage, though it be an absolute conveyance in terms, shall be considered as a mortgage, and the person for whose benefit such deed shall be made shall not have any benefit or advantage from the recording thereof, unless every instrument and writing operating as a defeasance of the same, or explanatory of its being designed to have the effect only of a mortgage or conditional deed, be also therewith recorded.

Art 64, s 1
1825, c 203, s 2
What considered
a mortgage.
3 Md Ch 521,
19 Md 536,
29 Md. 144

Separate instru-
ments to be also
recorded

43. No mortgage, or deed in the nature of a mortgage, shall be a lien or charge on any estate or property for any other or different principal sum or sums of money than the principal sum or sums that shall appear on the face of such mortgage, and be specified and recited therein, and particularly mentioned and expressed to be received thereby at the time of executing the same, and no mortgage, or deed in the nature of a mortgage, shall be a lien or charge for any sum or sums of money to be loaned or advanced after the same is executed, except from the time said loan or advance shall be actually made, and no mortgage to secure such future loans or advances shall be valid unless the amount or amounts of the same, and the times when they are to be made, shall be specifically stated in said mortgages. This not to apply to mortgages to indemnify the mortgagee against loss from being indorser or security, nor to any mortgages given by brewers to maltsters to secure the payment to the latter of debts contracted by the former for malt and other material used in the making malt liquors.

1872, c 213
No mortgage,
etc., a lien un-
less the principal
sum shall
appear on its
face, and be
recited therein
10 Md 597, 13
Md 392, 533, 24
Md 259, 36 Md
65, 38 Md 231,
45 Md. 396, 477.

Future advances
not a lien
except from the
time they are
actually made

Amounts and
times to be
stated

Exceptions

Art 64, s 2
1872, c 213
1825, c. 50

Mortgages in
Anne Arundel,
Baltimore, St.
Mary's, and
Prince George's
counties
38 Md 270,
39 Md 409

44. In Anne Arundel, Baltimore, St. Mary's, and Prince George's counties, no mortgage, or deed in the nature of a mortgage, shall be a lien or charge on any estate or property for any other or different principal sum or sums of money than the principal sum or sums that shall appear on the face of such mortgage, and be specified and recited therein, and particularly mentioned and expressed to be secured thereby at the time of executing the same. This not to apply to mortgages to indemnify the mortgagee against loss from being indorser or security.

Not to be a lien
for more than
secured thereby
at the time of
executing
Exception