

*Lord Donegal's Case*, 2 Ves. 408; *Machin v. Salkeld*, Dick. 634; *Bird v. Lefevre*, 4 Bro. C. C. 100; *Eyre v. Wake*, 4 Ves. 795; *Ex parte Cranmer*, 12 Ves. 446; *Wartnaby v. Wartnaby*, Jac. Rep. 377; 1 Mont. Dig. 39; *Shelf. Lun. & Idiots*, 436.

I am of opinion, that this may be considered as one of those instances. The pension given to Rebecca by her father is not more than sufficient for her comfortable maintenance; there is none to spare. It should certainly not be involved in any expense that can be avoided. The Court is now only called on to enforce its payment and application; which may be as safely done now as after an inquisition has been taken; and certainly with more advantage and economy to Rebecca. I shall, therefore, proceed without requiring Rebecca to be formally declared a lunatic, and a committee of her person and estate to be appointed.

It is stated and admitted, that the plaintiff Rebecca is, in fact, so far insane as to be incapable of managing her property. Her late parents have made a provision for her maintenance. But to order the property they gave her to be paid into her own hands would not be extending to her proper and adequate relief and **295** \*protection; or rather it would amount to an absolute frustration of the good intentions of her parents. The relief must, therefore, be so conducted as to accomplish the object in view; that is, the maintenance of Rebecca. This cannot be done without the instrumentality of a trustee, who may be charged with the receipt and application of the fund that has been appropriated for that purpose. One of her provident parents has made a selection of trustees for her; which, so far, seems to be conceded to have been a judicious one. I shall, therefore, confirm and act upon it. Not because I recognize the least right in the late Deborah Owings to appoint a trustee or guardian of the person or property of her daughter; but, because I believe it to be my official duty to protect persons in the condition in which I find Rebecca; and to do so effectually, I must appoint and use a trustee or agent. And Cromwell and wife having been recommended by one of the parents of Rebecca, (for so I consider what is said in the will of the late Deborah,) as suitable trustees; and they having assumed that character; with which, upon a proper application I might have clothed them; I shall now sanction and confirm it to them;—upon the ground that this Court always retrospectively sustains and ratifies that which has been usefully and fairly done; and which it would have ordered to be done. I shall require John Cromwell to give bond for the faithful application of the money I shall decree to Rebecca, and order to be placed in his hands for her use. *Bird v. Lefevre*, 4 Bro. C. C. 100. And I shall accordingly regard this suit as having been instituted by Rebecca Owings, together with John Cromwell and Urath his wife as