

But a man in his dotage is evidently distinguishable from an idiot, who has no mind at all; a patient in delirium, whose mind is ungoverned and ungovernable; or a lunatic, whose mind is in ruins, broken up, and the component parts of which are at variance with each other. The old man has a mind, worn and in a state of decay, it is true, but still, so much of it as remains, is feebly governed upon the principles of its former sound condition; its conceptions are not impertinently mixed; nor is it grossly misguided in any of the feeble operations of which it is capable. Perhaps the most striking peculiarity of dotage is its imbecility of perception. The senses not supplying the mind as usual with matter for exertion, it decays for want of use; and becomes incapable of receiving any additional ideas, or of following through any unusually catinated, or long combination of thought. Hence the infant and the dotard, from imbecility of bodily functions, present that remarkable similarity in the feebleness of their minds; and easily surrender themselves to the direction of those about them, for whom they have a regard, or who may choose to exercise any authority, or influence over them. Physicians, it appears, do not regard this species of mental imbecility as being in itself a disorder, or the effect of disease.^(o) But the law considers it not only as a species of insanity, from which there is no hope of recovery, but as one which always becomes worse as age advances.^(p)

It has been long and well established, that a contract made by a person who is, at the time, actually *non compos mentis*, either as in idiocy, delirium, lunacy, or dotage, is entirely void; indeed it would seem to be difficult to conceive how such a contract should ever have been otherwise considered than as an absolute nullity.^(q) But the law does not allow of an examination into the wisdom and prudence of men in disposing of their estates; for every man who is legally *compos mentis*, is a disposer of his property, and his will stands for a reason. The law however so far regards human infirmity, as that if a person of *weak mind* be imposed upon, he may be relieved; not, however, merely because of his weakness of mind, or of his old age; for, that alone furnishes no sufficient ground for vacating a

^(o) Rees' Cyclo. ver. Death; 1 Par. & Fomb. 308; Rush on the Mind, 61, 292, 294; Conolly Ind. Insanity, ch. 8 & page 440, 443.—^(p) Leving v. Caverly, Prec. Chan. 229; Ridgeway v. Darwin, 3 Ves. 66; *Ex parte* Cranmer, 12 Ves. 446; Gibson v. Jeyes, 6 Ves. 275.—^(q) Thompson v. Leach, 1 Ld. Raymond, 313; 3 Mod. 301.