

only give relief by decreeing a conveyance, which the lunatic could not be ordered to make, because of his incapacity to contract.(h)

But here, although the legal estate is vested in the plaintiff herself; yet if the matter were left at law no relief could there be obtained against the plaintiff during her life; nor could a specific performance be obtained at any time against any one at law: therefore, from the very nature of the case, the relief necessary to meet it, can only be obtained, if at all, in a court of equity. It is laid down, that if a man by age, or disease is reduced to a state of debility of mind, which though short of lunacy, renders him unequal to the management of his affairs, the court will, in respect of his infirmities, appoint a guardian to answer for him, or to do other acts, as his interests, or the rights of others may require.(i) And it is said, that where one who could not be proved a lunatic was relieved from a deed obtained of him by fraud and imposition upon his weakness, it was further ordered, that he should not execute any future deed, but with the consent of the court.(j)

It was upon these authorities, that I passed the order of the 17th of April last. I deemed it then necessary to extend to the plaintiff the especial protection of the court; because of her age and infirmities. And if by reason of that infirmity merely, the court can in no way cause that to be done, which when in a sound state of mind she had bound herself to do, the most manifest injustice might ensue; and that too not from any substantial, but merely because of a technical or formal objection. If, as has been said, this court can declare, that she shall not hereafter execute any deed without its consent; the converse of the proposition seems necessarily to follow—that this court can by its consent or decree direct a conveyance to be made by her to the defendant according to the promise by which she is bound.

There can be no doubt, that a specific execution of this promise would be decreed against the legal representatives of the plaintiff

(h) *Owen v. Davies*, 1 Ves. 82; *Pegge v. Skynner*, 1 Cox. 23; *Hall v. Warren*, 9 Ves. 611; *Shelf. Lun.* 429.—(i) *Leving v. Caverly*, Prec. Chan. 229; *Sheldon v. Aland*, 3 P. Will. 111, note; *Bird v. Lefevre*, 4 Bro. C. C. 100; *Wilson v. Grace*, 14 Ves. 172; *Attorney General v. Waddington*, 1 Mad. Rep. 321; *Howlett v. Wilbraham*, 5 Mad. 423; *Wartnaby v. Wartnaby*, 1 Jac. Rep. 377; *Ex parte Clarke*, 2 Russ. 575; *Chambers v. Donaldson*, 9 East, 471; *Whitehorn v. Hines*, 1 Mun. 557; *Horner v. Marshall*, 5 Mun. 466; 1 Fonb. 64; *Mif. Plea.* 103; *Prac. Reg.* 71. (j) *Lord Donegal's Case*, 2 Ves 408.