

three departments; or be commissioned to perform any executive duty required by any one of the Courts of justice. In cases of lunacy, if the lunatic be a female, it is generally deemed most proper to appoint a female committee to take charge of her person. And so in other cases of that class, it has been sometimes held, that the comfort of the unfortunate person would be best promoted by having his person placed under the care of a female committee, as by appointing the wife to be the committee of her husband, &c. *Ex parte Le Heup*, 18 Ves. 226; *Ex parte Ludlow*, 2 P. Will. 635. The Chancellor of Maryland has always been regulated by similar principles and feelings; and therefore with a view to the peace and comfort of the lunatic, his daughter has been appointed trustee of his person with others who were constituted trustees of his estate. *H. Clagget's Case*, MS. 7th December, 1826. In a creditors' suit, where the estate of the deceased was likely to be exhausted by the payment of his debts, the widow, on asking to be appointed trustee, with a view to save the commissions for the support of herself and child, was, no objections being made, appointed trustee accordingly. *Dowig v. Marvel*, MS. 16th October, 1789. And so in other cases where the appointment of a female appeared to be well calculated to promote the interests of all concerned, she has been employed as trustee to carry the decree into effect. (e) Hence it would seem, that although it does not often

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(e) EX PARTE MARGARET BLACK.—The petition filed 23d February, 1804, sets forth, that the late George Black, by his last will, declared in these words: "I also direct and devise the farm that I bought of William Keating, together with what land I bought of Simon Weeks, lying on the south side of the road leading from Black's Cross Roads to the brick meeting-house, to be sold, and the money arising therefrom to be applied to the payment of my debts; residue and remainder of my estate, both real and personal, I give and bequeath unto my son James Black, who I do hereby nominate and appoint executor of this my last will and testament, and I do also appoint him guardian to all my children which may not be of age at my decease;"—that James Black qualified as executor and overpaid the personal estate £1,122 15s. 2d.; that under an impression that he was, as executor, authorized to sell the land, so directed to be sold, he had accordingly sold it to James Welch; and had received a part of the purchase money. After which, James Black, by his last will had appointed the petitioner his executor, and died; that there was still a considerable balance due to James Black. Prayer, that the Chancellor would ratify what had been done, on the ground, that he might sanction that when done which he might have directed to be done; or that he would authorize a private sale to enable James Welch to become the purchaser so as to affirm and reassure his title, and to have the purchase money applied in discharge of the claim of the late James Black, &c. Upon which the following decree was passed.

HANSON, C., 4th February, 1804.—The said petition with the last will and testament of George Black were, by the Chancellor, read and considered; and provided the facts stated in the said petition be true;—*decreed*, that the