

her mental imbecility, to take care of herself, he made for her a special provision by his will, in connexion with the devise to his son William; to whom he gave a large portion of his real estate, to "hold the same," (these are the words of this testator,) "to him the said William Owings, his heirs and assigns forever, upon these express conditions, that he and they, or the person or persons to whom the estate devised to the said William Owings, may eventually pass, maintain my daughter Rebecca, or pay sixty pounds current money a year for her maintenance during her natural life." This will bears date on the 7th of May, 1803, and the testator must have died soon after, although it is not stated when; because it appears to have been proved on the 25th of June, in the same year.

Rebecca, after the death of her father, continued to reside with her mother, the late Deborah Owings, until her death, which happened in December, 1810; and was taken care of and altogether maintained by her. The late Deborah, under an apprehension that the provision made by Rebecca's father for her maintenance, might not be regularly applied, or that it might be inadequate, by her will, also made provision for her support. After some specific legacies, she gives all the residue of her estate to her eight daughters by name, including Rebecca, to be equally divided; and then says: "It is my will and desire, that the portion of my estate, above bequeathed to my daughter Rebecca shall, so soon as convenient after my decease, be laid out by my executors, hereinafter named, in the purchase of bank stock; and the said stock, when so purchased, shall be held in the name of my said daughter Rebecca. And I do hereby authorize and empower my daughter Urath Cromwell to demand and receive the interest or dividends arising from the said bank stock, and to apply the same to the support and maintenance of my said daughter Rebecca during her natural life; it being understood, that my said daughter Rebecca is to be removed to the house of my said daughter Urath Cromwell, and from and after the decease of my said daughter Rebecca, I do give and bequeath the bank stock aforesaid unto my said daughter Urath Cromwell, as a compensation for her trouble in providing for and taking care of my said daughter Rebecca." After the death of this testatrix, Rebecca went to reside with the plaintiffs, Cromwell * and wife, by whom she has been taken care of and maintained ever since. **292**

The bill does not introduce Cromwell and wife as the next friends of Rebecca, but merely in the character of co-plaintiffs; and then states, "that Rebecca being, by the Providence of God, gifted from her birth with but a small share of reason and judgment, and incapable, of herself, without the help and kindness of her friends, to take care of herself, or to manage and dispose of property." But it is not alleged, nor does it appear, that she has, by any judi-