

Upon which they suggested, that the person of the plaintiff should be confided to the care of Mr. and Mrs. Nesbit; and that a receiver should be appointed to take care of her estate.

BLAND, C., 17th September, 1827.—The Chancellor has read and considered the statement filed and submitted * this day **375** by Messrs. Winchester and Gwinn, the solicitors of the plaintiff.

On passing the order for reinstating this case, it seemed doubtful whether the plaintiff was then in such a state of dotage as to warrant the issuing of a writ *de lunatico inquirendo*. Such a writ was not asked for by any one. The expression of an opinion to that extent therefore, was not then considered necessary; and it was deemed best to leave the question as to the commencement and nature of her mental imbecility, as regards the matter in dispute, to be determined at the final hearing. Upon mature deliberation it seemed at that time, however, to be within the scope of the powers of this Court to protect the plaintiff, without the intervention of a writ *de lunatico inquirendo*, from all personal restraint, or undue influence in any way, or by any one; and also, by the appointment of a receiver, or otherwise, to protect the property in litigation from waste, and to have its proceeds applied to her support until the matter in controversy could be heard and determined. With a view therefore, as speedily as possible to release this aged plaintiff from all improper restraint, and of placing her in a condition of undisturbed comfort, and of having the property in dispute taken care of,

It is ordered, that any two or more of the medical professors of the University of Maryland, who have not heretofore expressed any opinion upon the intellectual condition of the said plaintiff Colegate D. Owings, be and they are hereby authorized and requested to visit and converse with her; and that she be permitted without the least molestation or undue persuasion whatever, from any one, forthwith, or at any time to go to and dwell in the house of any one willing to receive her, as may be thought proper or advisable by the said physicians, or a majority of them. And the said physicians shall as soon as practicable make report to this Court of their proceedings, and of their opinion of the health and present intellectual condition of the said plaintiff. *Ridgeway v. Darwin*, 8 Ves. 67; *Ex parte Tomlinson*, 1 Ves. & Bea. 59; *Shelf. Lun.* 62, 399. And it is further ordered, that the matter of the said representation of the said solicitors be finally heard and disposed of on the twenty-third day of October next. Provided a copy of this order, together with a copy of the said representation be served on the said defendant, or her solicitor, on or before the **376** twenty-fourth instant. Each party * is allowed to take depositions before any justice of the peace, or the commis-