

MESNE PROFITS.—*Continued.*

3. But where the bill is brought upon an equitable title, and there is a trust, or in the case of an infant, or where there has been any fraud, or in cases of dower, an account of the rents and profits will be ordered from the time the title accrued. *Ib.*
4. If the occupant has held rightfully he will be chargeable with no more than he has actually received. *Ib.*
5. But where the occupant is a wrongful holder, or has obtained possession fraudulently, he will be charged with the full value, that is, with such an amount of rents and profits as a skillful and diligent tenant might have made. *Ib.*
6. A *bona fide* holder, without notice of any defect in his title, will be allowed for improvements; but a fraudulent holder, or a *mala fide* meddler, can have no such allowance made to him. *Ib.*
7. The allowance for improvements, where it can be made, may be set off against the claim for rents and profits; but such set-off cannot be availed of by a *mala fide* possessor, nor will he receive an allowance for the payment of taxes and assessments. *Ib.*

MONEY INTO COURT.

See PRACTICE, 2.

TRUSTS AND TRUSTEES, 13.

MORTGAGE.

See DEBTOR AND CREDITOR, 32.

NON COMPOS MENTIS.

1. A person who is actually *non compos mentis*, but who has not been found to be so under a writ *de lunatico inquirendo*, may be permitted to sue, as co-plaintiff, with another; who may be treated as his committee, and required to give bond to account for any money directed to be paid to him for the use of the lunatic. *Rebecca Owings' Case*, 272.
2. The granting of a writ *de lunatico inquirendo* is, in some measure, discretionary with the Chancellor; and may be dispensed with for good cause for the benefit of the lunatic. *Ib.*
3. Although the Court cannot dispose of the person, or estate of a citizen who is a lunatic, without his having been found to be so by a regular inquisition; yet it may, under particular circumstances, extend its protection to his person or estate, without any such previous inquest. *Ib.*
4. A charge of an annual sum upon lands, for the support of a lunatic, though not a rent, is an incumbrance, following the estate, the prompt payment of which may be enforced, either as against the person, or personal property of the holder, or by putting a receiver upon the estate. *Ib.*
5. Imposition practised upon weakness by him who is confided in and trusted is, in law, the most odious species of fraud. *Colegate D. Owings' Case*, 345.
6. Weakness of mind is not to be confounded with mere ignorance. If the grantor be an illiterate man, it is necessary that the deed be fully and correctly read to him, or he will not be bound by it, not on the ground of weakness of mind or of his incapacity to judge of what he was about, but because his sound mind cannot be presumed