

next of kin. Upon which it was prayed that a writ *de lunatico inquirendo*, might be issued. With this petition there was filed an affidavit, made on the 15th of December, 1827, before the Mayor, and certified under the seal of the City of Philadelphia, by the attending physician of the Hospital of Philadelphia stating, that Charles Campbell had been for several years, and then was in that

217 * hospital in a state of insanity, and incompetent to the management of his affairs.

BLAND, C., 26th December, 1827.—Of the sufficiency of the evidence of insanity, on this application, there can be no doubt; and there seems to be as little room to doubt the identity of the person, particularly when this petition and affidavit are taken in connexion with the proceedings which have been had in relation to the estate of the late William Campbell. There is then sufficient ground upon which to award the writ as prayed.

With regard to the county to which it must be directed; it is, in general, proper, and may, in some cases, be indispensably necessary, that the person alleged to be of unsound mind should be brought before the jury who are convened by the sheriff to ascertain his intellectual condition. And for that reason the writ is almost always directed to the sheriff of the county in which the person said to be insane resides, or may at the time be placed. But if he is out of the State at the time, or it is impracticable, or, as in this instance, it would be attended with great inconvenience and injury to the afflicted person, to have him brought before the jury, his actual presence may be dispensed with, and the writ may be directed to the sheriff of the county in which he last actually resided, or in which the principal part of his estate lies. *Ex parte Southcot*, 2 Ves. 402.

Therefore, in this case, let the writ *de lunatico inquirendo*, issue as prayed, directed to the sheriff of Frederick County.

The writ was issued accordingly, and an inquisition was taken in the usual manner, and returned on the 8th of January, 1828, by which the jury found, that Charles Campbell was a lunatic on the 15th of December, 1827, and was then in the hospital at Philadelphia and did not enjoy lucid intervals, so that he was not sufficient for the government of himself and property; that he had been in the same state of lunacy from the 19th of March, 1819; and that Edward Campbell and Catherine the wife of James Cunningham were his brother and sister, and nearest of kin, &c.

BLAND, C., 10th January, 1828.—Ordered, that the said return be and the same is hereby ratified and confirmed. And it is further ordered, that the care, custody and charge of the person, and of the estate of the said Charles Campbell be and the same is