

other hand, that the rights of such an *imbecile person, **489** who has instituted a suit, may be taken care of, and that he may be enabled to perform a duty, his solicitor may be directed to sustain and prosecute the suit for his benefit; or a guardian may be appointed for the special purpose of executing the act required, according to the nature of the case. 1 *Fonb. Eq.* 64; *Donegal's Case*, 2 *Ves.* 408; *Wartnaby v. Wartnaby*, 4 *Cond. Cha. Rep.* 173; *Colegate D. Owings' Case*, 1 *Bland*, 372.

Whereupon it is ordered, that Louis Mackall be and he is hereby appointed guardian of the defendant Benjamin B. Mackall, to make answer to the said bill of complaint in his behalf, and in all respects to defend and protect his interests in this suit.

On the 27th of April, 1830, the lunatic defendant answered by his guardian. The other defendants put in their answers, in which they all admitted the claims of the plaintiffs; that the personal estate of the deceased was insufficient to pay his debts; and consented, that a decree should pass as prayed.

BLAND, C., 4th May, 1830.—Decreed, that the real estate of Benjamin Mackall, deceased, be sold; that John Johnson and Thomas S. Alexander be appointed trustees to make the sale, &c.; the terms of which shall be, one-third of the purchase money to be paid in six months, one other third in twelve months, and the residue in eighteen months from the day of sale; with interest from the day of sale, &c. That notice be given to the creditors of the deceased to file the vouchers of their claims within four months from the day of sale. And that the defendant Louis Mackall, the administrator *de bonis non* of the deceased, account, &c.; which account the auditor is directed to state from the evidence now in the case, and such other evidence as may be produced before him by either party, on giving the usual notice, &c.

After which the trustees reported that they had given notice to the creditors; and had made sales of the real estate of the deceased

poena issued and returned summoned. A writ *de idiota inquirendo* issued to enquire into the idiocy of the defendant Eleanor Worthington. Inquisition taken and returned finding her an idiot, which being confirmed, John Craddock was appointed her committee, required to give bond, &c. Whereupon John Craddock and Benjamin Nicholson were appointed a committee for the idiot, to take her answer and defend the suit in her behalf.

October, 1784.—Decreed, that a conveyance be made as prayed; and that a day be given to the infants to shew cause on their coming of age as usual. But there was no reservation as to the idiot. *Chancer Proceedings*, lib. No. 2, fol. 135, 265, 272.