

[William Goldsborough was appointed committee of the person and estate of Loriman Chew, a lunatic, and gave bond with sureties for the faithful performance of his duties. After his appointment he became insolvent, and his securities filed the petition referred to in the following opinion of the Chancellor.]

THE CHANCELLOR :

This is an application by the sureties of William Goldsborough, the committee of the lunatic, to compel him to execute another bond, with other and different sureties, upon the allegation which is not disputed that he has become insolvent. The prayer of the petition is, that he may be compelled to execute another bond with other and different sureties, and that if he fail to do so within a time to be limited by the court, that his appointment may be revoked. The petition prays also for further relief, and the question submitted is not that the committee shall be required to give another bond, for it is conceded he should be required to do so, but that whether he offers a satisfactory bond or not, he shall be removed from his trust, because he has become insolvent.

It seems to be settled in England, that the bankruptcy of the committee of the estate of a lunatic, is a sufficient ground for his removal, and that if the committee of the person become a bankrupt, it is a reason for removing him on account of the fund for his maintenance, for, as the Lord Chancellor said in *Ex parte Mildmay*, 3 *Vez.*, 2, "if I order a sum of money for his maintenance, I cannot put that sum in the hands of a person over whose administration of it I have no control." This was said of an uncertificated bankrupt, but to whom, as was asserted, a certificate would probably be allowed in a short time. See 1 *Collinson on Idiots*, 250, 313; 2 *Madd. Ch. Pr.*, 742.

In the case now under consideration, the committee is not a technical insolvent. He has not, nor is it alleged that he contemplates applying for the benefit of the insolvent laws, and, therefore, the remarks of the Chancellor in *Ex parte Mildmay* do not apply, because the administration of the estate of the lunatic in his hands is entirely under the control of the court.