

and to confine or dispose of the person of any one, as a lunatic, until he has, upon solemn inquisition, been found to be *non compos mentis*; yet it will grant relief and protection to such persons without and previous to their being adjudged to be *non compos*. On a proper application, the granting of a writ *de lunatico inquirendo* is generally a matter of course; but still it is discretionary. If the Chancellor sees, that the interests of the subject of it, may be promoted, or his health benefited by withholding or suspending it, he may do so. The object of the Chancellor's authority in matters of lunacy is to protect and take care of citizens, who are intellectually unfortunate; hence, it has been always so exercised as most effectually to attain that object. (f) If the execution of a commission of lunacy would in all probability have a tendency to confirm the lunatic in his insanity; or if his estate or income is too small to defray the expense of its execution; or if the object in view may be attained as safely and as fully in all respects without it; the execution of the inquisition may be suspended or dispensed with altogether. In short, there are many instances in which the court will recognise and act upon the fact, that a person is in a partial or complete state of insanity, without requiring that fact to be established by a return to a writ *de lunatico inquirendo*. (g)

I am of opinion, that this may be considered as one of those instances. The pension given to *Rebecca* by her father is not more than sufficient for her comfortable maintenance; there is none to spare. It should certainly not be involved in any expense that can be avoided. The court is now only called on to enforce its payment and application; which may be as safely done now as after an inquisition has been taken; and certainly with more advantage and economy to *Rebecca*. I shall, therefore, proceed without requiring *Rebecca* to be formally declared a lunatic, and a committee of her person and estate to be appointed.

It is stated and admitted, that the plaintiff *Rebecca* is, in fact, so far insane as to be incapable of managing her property. Her late parents have made a provision for her maintenance. But to order the property they gave her to be paid into her *own hands* would not be extending to her proper and adequate relief and pro-

(f) *Ex parte Tomlinson*, 1 Ves. & Bea. 57; *Brodie v. Barry*, 2 Ves. & B. 36.

(g) *Sheldon v. Aland*, 3 P. Will. 111, note; Lord Donegal's case, 2 Ves. 408; *Machin v. Salkeld*, Dick. 634; *Bird v. Lefevre*, 4 Bro. C. C. 100; *Eyre v. Wake*, 4 Ves. 795; *Ex parte Cranmer*, 12 Ves. 446; *Wartnaby v. Wartnaby*, Jac. Rep. 377; 1 Mont. Dig. 39; Shelf. Lun. & Idiots, 486.