tection; or rather it would amount to an absolute frustration of the good intentions of her parents. The relief must, therefore, be so conducted as to accomplish the object in view; that is, the maintenance of *Rebecca*. This cannot be done without the instrumentality of a trustee, who may be charged with the receipt and application of the fund that has been appropriated for that purpose. One of her provident parents has made a selection of trustees for her; which, so far, seems to be conceded to have been a judicious one. I shall, therefore, confirm and act upon it. Not because I recognise the least right in the late *Deborah Owings* to appoint a trustee or guardian of the person or property of her daughter; but, because I believe it to be my official duty to protect persons in the condition in which I find *Rebecca;* and to do so effectually, I must appoint and use a trustee or agent. And *Cromwell* and wife having been recommended by one of the parents of *Rebecca*, (for so I consider what is said in the will of the late *Deborah*,) as suitable trustees; and they having assumed that character; with which, upon a proper application I might have clothed them; I shall now sanction and confirm it to them;—upon the ground that this court always retrospectively sustains and ratifies that which has been usefully and fairly done; and which it would have ordered to be done. I shall require *John Cromwell* to give bond for the faithful application of the money I shall decree to *Rebecca*, and order to be placed in his hands for her use.(*h*) And I shall accordingly regard this suit as having been instituted by *Rebecca Owings*, together with *John Cromwell* and *Urath* his wife as trustees of *Rebecca*, and thus pass over this first difficulty, as to the proper parties.

The next question is, what is the nature of the bequest of the late *Samuel Owings* to his daughter *Rebecca*? The defendant seems to have a notion, that his father gave him the right to take charge of the person of his sister, and to maintain her as he thought proper. But the devise conveys no such idea; and if it did, it is clear, that although a father may appoint a guardian of his *infant* children; yet he cannot dispose of the custody of his *adult* children whether of sound mind or *non compos mentis*, in any way whatever.(*i*) It is evident, however, that the testator had no reference to the custody or the place of residence of his daughter; his expressions show, that his thoughts were directed exclusively to her maintenance, in whatever place she might dwell. And that

(*h*) Bird *v.* Lefevre, 4 Bro. C. C. 100.—(*i*) *Ex parte* Ludlow, 2 P. Will. 635.