

COLEGATE D. OWINGS' CASE.

A suit, which had been instituted in the name of a person in her dotage, having been dismissed by her under the influence of the defendant, it was reinstated, and directed to be thenceforward prosecuted by her solicitor for her benefit.

It was ordered that she should be permitted freely to go and to reside where she pleased; and that if necessary a receiver might be put upon the estate to have its rents and profits applied to her maintenance pending the litigation.

The maxim of the English law, that no man of full age shall be, in any plea to be pleaded by him, received to stultify himself and disable his own person, examined, considered and rejected, as being inconsistent with the principles of the law of Maryland.

The indications and characteristic differences between the four kinds of *dementia*, called idiocy, delirium, lunacy, and dotage, as regarded by the medical profession and as recognised by the law, examined and considered.

Weakness of mind is a sort of mental imbecility approaching to the condition of *non compos mentis*, and analogous to childishness and dotage.

Imposition practised upon weakness by him who is confided in and trusted is, in law, the most odious species of fraud.

Where a person communicates his intention to make or alter his will, so as to give a legacy, or a portion of his property to an individual, and his heir, or any one else, interposes and prevents it by a promise to pay the legacy, to transfer the property, or to give an equivalent, such promise is binding, and may be enforced after the death of the testator or intestate, by the party in whose favour the promise was made.

There are various kinds of decrees other than those which operate directly in favour of the plaintiff and against the defendant; and when the whole of a complicated case has been brought before the court, such a decree may be passed as is best suited to its peculiar nature.

If the conveyance of an estate be necessary, and the party required to make it be incompetent to contract, a trustee may be appointed to execute the conveyance in his name.

Where a decree has been passed affecting both real and personal estate, and the case abates by the death of either party, for the purpose of having the decree entirely executed, it must be revived by or against the heir, as well as the personal representative of the deceased; but it may be partially revived by or against either of them.

This case was brought before the court by a bill filed by *Colegate D. Owings* against *Charlotte C. D. Owings*, on the 21st May, 1825, in which the plaintiff alleged, that she was then more than eighty-four years of age, and at a time when she was in a condition of extreme ill health, and altogether deprived of the proper use of her mental faculties, the defendant had fraudulently caused her to execute and deliver a deed dated on the 15th of June 1824, which purports to be a conveyance from the plaintiff of all her real and personal estate to the defendant; that the deed was made without any valuable consideration whatever, upon the false and fraudulent pretext that the plaintiff had promised to give by her last will and testament all her estate to the defendant. Upon which