

eighty-fourth year of her age; and upon a short interview which I had with her, after the commencement of this suit, it appeared that her age was attended with at least its ordinary infirmities. Some of the most skilful of the witnesses after a short visit, which they made to her, say, that they observed in her mental powers a slower comprehension and a diminished power of associating her ideas, which is common to old age. Other witnesses represent her mind as then in a state of absolute dotage; in a condition of feebleness reduced much below that degree of power necessary to a sensible disposition of her property. And the defendant admits, that the plaintiff was then so enfeebled by age and its consequent infirmities, that her mind was exposed to the exercise of very undue influence by those about her. From the very nature of this mental infirmity, it is evident, that its then existence is, in itself, proof of its having commenced some time before. The transition from soundness of mind to delirium, or lunacy, may be very rapid or instantaneous; but dotage is a slow decay, the external signs of which do not appear until after it has been going on for some time. The proofs clearly establish the fact, that the plaintiff is now in a state of dotage. But its perceivable commencement has not been so well ascertained. Two of the witnesses speak of its having been observable so much as about eight years ago. It is certain, however, that her dotage commenced some years before the institution of this suit. The proofs, in relation to the plaintiff's conduct, also exhibit some instances of the milder forms of lunacy. The plaintiff's account of a hurt she had lately sustained, ascribing it to her falling in a race she ran; the particulars she related of her visit to Annapolis; and some other circumstances, are evidences of that species of incongruous association and misguided direction of the mind so peculiarly characteristic of lunacy. Such is the sum and substance of the testimony so far as regards the general condition of the plaintiff's mind.

In relation to the epoch of the execution of the deed of the 15th of June 1824, the proceedings and the proofs are more distinct and particular. It is stated and admitted, that the plaintiff was subject to attacks of erysipelas, and was suffering under that disorder when the instrument of writing, which is the special subject of this controversy, was executed. From good medical authority we learn, that erysipelas is often preceded, or attended, or succeeded by delirium; that it is apt to affect the brain; and