its own citizens. Upon which obligation each member of the community, as a component part of the whole, has a clear and undeniable claim upon the state for its assistance, in all cases, where, either because of the over-ruling circumstances in which he may be placed, or because of his own peculiar imbecility, he is incapable of sustaining himself. Hence it is, that, according to all law, a state is bound to take care of and protect its own infants, lunatics, and paupers. (*g*) And such has always been the practice, and the admitted obligation and law of Maryland.

In England, many doubts and much contrariety of opinion have been expressed as to the sources from which the Chancellor derives the power he exercises in cases of infancy and lunacy. It is admitted, on all hands, that the state is under an obligation to put forth its power for the protection of such persons in some way, the only difference of opinion there, being as to the extent to which that power, looking to the manner in which it has been delegated to the Chancellor, shall be exercised by him for the benefit of those who may be found in that imbecile condition. (*h*) The Chancellor, or any court of common law may, by means of a *habeas corpus*, relieve an infant or lunatic as well as an adult of sound mind from any illegal restraint, or set him free, without making any provision whatever for him, under that form of proceeding. But the general care which he has a right to claim, as a due from the state, can only be obtained from the Chancellor upon the ground of that parental authority with which he has been clothed as the representative of the state for the benefit of all such persons. (*i*)

Here it has always been admitted, apparently without any reference to the sources from which the Chancellor of England had derived his authority, that the Chancellor of Maryland was invested with all the powers in relation to infants and lunatics, with which the Chancellor of England had been clothed; as founded on an obvious necessity, that the law should place somewhere the care of individuals who could not take care of themselves, particularly in cases where it was clear, that some care should be thrown around them. And consequently, the broad principle may be safely as-

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(*g*) Eyrie *v.* Shaftsbury, 2 P. Will. 118, 123; Vattel, b. 1, ch. 2; Montesq. Sp. Law, b. 23, ch. 29.—(*h*) Co. Litt. 89, a. note 16; 2 Fonb. 226; 1 Blac. Com. 302, 304, 460; De Manneville *v.* De Manneville, 10 Ves. 63.—(*i*) De Manneville *v.* De Manneville, 10 Ves. 58; Lyons *v.* Blenkin, 4 Cond. Cha. Rep. 115, and notes; The King *v.* Hopkins, 7 East. 579; The Case of the Hottentot Venus, 13 East. 195; *Ex parte* Skinner, 17 Com. Law Rep. 122.