

LIMITATIONS, STATUTE OF, &c.—*Continued.*

3. Trusts, which are not affected by the statute of limitations, are those technical and continuing trusts, which are not cognizable at law, but fall within the proper, peculiar, and exclusive jurisdiction of Courts of Equity. *Ib.*
4. But where the jurisdiction is concurrent, and the party is at liberty to proceed in either Court, the statute is equally a bar in both; and in all such cases, equity adopts, by analogy, the time prescribed by law. *Ib.*
5. As soon as the cause of action accrues, whether it be the case of a trust or not, if it be a fit subject for a suit at law as well as in equity, the statute of limitations begins to run. *Ib.*
6. The statute may be pleaded, as a defence, at any time after the claim has been filed; or brought before the Court, either before the case has gone to the Auditor, or after he has made a report on it. *Ib.*
7. The plea of limitations only enures to the benefit of the party pleading it. *Notley Young's Estate*, 461.

See PARTITION, 2.

LIMITATION OVER OF PERSONALTY.

See WILLS, &c., 2, 3, 4.

LUNATIC, LUNACY.

1. The authority of the Court of Chancery in this State, to take charge of the estates and persons of idiots and lunatics, is derived from the 6th section of the Act of 1785, ch. 72, which gives the Chancellor full power, in all cases, to superintend, govern, and manage their estates and persons. *In the matter of Rachel Colvin, a lunatic*, 278.
2. The power of appointment of a committee for a lunatic is a discretionary one in the Chancellor, and cannot be reviewed by any other Court, though it should not be exercised arbitrarily or capriciously, and without regard to the wishes or recommendations of those interested in the estate, or who feel an interest in the person of the lunatic. *Ib.*
3. Though the committee is usually appointed on the nomination of the person who sues out the commission of lunacy, yet a *caveat* may be entered against the appointment, and when this is done, the recommendations of the parties interested will be considered, and proof taken to aid the Court in making the selection. *Ib.*
4. Though in this State it is more usual to appoint the same party committee of the person and estate, yet not unfrequently the practice is different, and from peculiar circumstances it is sometimes eminently proper to intrust the person of the lunatic to one committee, and his estate to another. *Ib.*
5. The rule of the Court in making such appointment, other things being equal, is to appoint him who is recommended by the greatest number of those who are entitled to be heard. *Ib.*
6. The will of a lunatic, though made when she was *compos mentis*, and though she may never be restored to mental capacity so as to revoke it, is still, in legal contemplation, ambulatory until her death, and until then can confer no rights, and can have no influence on the Court in appointing her committee. *Ib.*
7. The great and leading object in the selection of persons for the management of the estates of lunatics, and the custody of their persons, is to