

LUNATIC, LUNACY.—*Continued.*

- advance their welfare and comfort ; and the interests of those who may be entitled to the succession is wholly subordinate to this. *Ib.*
8. The law now presumes that the nearest of kin to the lunatic will treat him with more affection than strangers to his blood, and hence consanguinity, though it confers no positive title, is now considered a recommendation in the selection of a committee, and a strong ground must be shown before it will be disregarded. *Ib.*
 9. If the person recommended is embarrassed by pecuniary difficulties, and there is any reasonable ground for apprehending that he would be likely to employ the money which may come to his hands as committee, in his own affairs, it would operate with powerful force against his appointment. *Ib.*
 10. The death of the lunatic determines the office of the committee, and the only power Chancery retains over the committee, as such, is to compel him to account and deliver possession of the property as the Court shall direct. *Ib.*
 11. But the committee is to retain possession and preserve the property until some person shall appear properly authorized to receive it from him ; and, in the mean time, if there is reason to apprehend delay in ascertaining who are entitled to the possession, a receiver may be appointed upon application of the parties in interest. *Ib.*
 12. The jurisdiction of Chancery in lunacy remains, after the death of the lunatic, only to the extent and for the purpose of having the necessary accounts taken, and directing the fund or estate to be paid over to the party or parties entitled. *Ib.*
 13. After the death of the lunatic, Chancery will not administer the fund even for the benefit of creditors ; they must pursue their remedies before the ordinary jurisdictions ; nor will the Court adjudicate questions of right between opposing claimants. *Ib.*

MACHINERY.

See **FIXTURES**, 1-8.

MECHANICS' LIEN.

MARITAL RIGHTS OF HUSBAND.

See **HUSBAND AND WIFE**, 11-16.

MARRIAGE.

See **PART PERFORMANCE**, 1-4.

MARRIAGE SETTLEMENT.

See **INFANCY. INFANTS**, 1, 4, 6.

HUSBAND AND WIFE, 15.

LEGACY, &c., 6.

MARRIED WOMEN.

See **HUSBAND AND WIFE**.

SEPARATE PROPERTY OF.

MARSHALLING OF SECURITIES.

If one party has a lien on, or interest in, two funds for a debt, and another party has a lien on or interest in only one of the funds for another debt, the latter has a right in equity to compel the former to resort to the other fund, in the first instance, for satisfaction, if that course is necessary for the satisfaction of the claims of both parties. *The U. S. Ins. Co. vs. Shriver et al.*, 381.