

By an Act of Assembly, passed before the Revolution, it was, among other things, expressly declared, that if the estate of an infant was so small, that its yearly profits and increase would not extend to a free education and maintenance of him, he should be bound apprentice to a trade until he arrived at full age; unless some relation or charitable person would maintain and educate him for the small increase of his estate, without any diminution of the principal. 1715, ch. 39, s. 9 and 10; 1729, ch. 24, s. 12 and 13. Soon after the Revolution, the Legislature declared, that in case the produce of the estate was not sufficient to maintain and educate the minor, in a proper manner, the Orphans' Court might allow the guardian to apply a part of the principal of the infant's personal estate, not exceeding one-tenth annually, to the purpose of his education. 1785, ch. 80, s. 9. And, afterwards, by the testamentary system, it was declared, that the Orphans' Court should ascertain the amount to be annually expended in the maintenance and education of the orphan; regard being had to his future situation, prospects and destination; and, if it should be deemed advantageous \* to the ward, might allow the guardian to exceed **200** the income of the estate; to cut down and sell wood, to make use of the principal; and to sell a part of it; provided, that no part of the real estate should, on account of such maintenance, or education, be diminished without the approbation of the Court

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Hanson, deceased; and either here lying, or hereafter to be brought in, he giving a receipt for the same.

On the 25th of November, 1801, an order was passed in favor of Grafton D. Hanson, another infant legatee, similar to the foregoing. After which the case was again brought before the Court at the instance of a purchaser.

HANSON, C., 26th May, 1803.—Whereas, the decree for a sale in this cause passed, directs, that on payment of the whole purchase money, the trustee, Henry H. Chapman, shall convey to the purchaser in fee; and whereas, it is stated, that several of the purchasers have assigned; and that it would be convenient for the trustee to convey to the assignees. It is Ordered, that the said trustee, on the receipt of the whole purchase money, and on being satisfied, that the purchaser hath assigned his purchase; may, on application of the assignee, at his, the said trustee's discretion, convey to the said assignee in fee; and provided an assignment of the purchase hath actually been made fairly, and without fraud and imposition, the conveyance shall operate in the same manner as if it had been made by the direction of the original decree in this cause. The Chancellor has been applied to for a decree directing a conveyance by the said trustee on the part of a particular assignee; but the Chancellor conceives, that he cannot, with propriety, make an *ex parte* decree binding on a person who is no party in any suit here depending. But in case of a conveyance, under the foregoing order, to a fair assignee, there is no doubt, that the assignee's title will be as good as if a conveyance had been made by the trustee to the purchaser, and a conveyance afterwards made by the purchaser to the assignee.—MS.