

tageous to the ward, might allow the guardian to exceed 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 of Chancery as well as of the Orphans Court. (c)

By a special estate act, passed before the act to direct descents, after reciting, that three hundred and fifty acres of land had descended to the five daughters of *John Worthington*, deceased, as his heirs in co-parcenary; and that their mother, also then dead, had, by her will, directed her real estate to be sold, and the money arising from the sale to be put out at interest for their benefit; that one of the co-parceners was married to *John Cradock*, who claimed a partition; but, that a partition of so small a parcel of land would lessen the value, and be detrimental to the interests of the co-parceners, it was directed, that the land which had so descended should be sold, that part of the money, arising from the sale, should be paid to such of the parceners as were married, or of lawful age, to receive the same; and, that the residue should be put out on interest for the benefit of the other co-parceners,

(c) 1798, ch. 101, sub ch. 12, s. 7 and 10; *Brodess v. Thompson*, 2 H. & G. 120.

GOLTIER'S CASE.—This petition was filed on the 18th of December, 1810, by John Goltier, in the Orphans Court of Cecil county; and was soon afterwards, with the proceedings thereon in that court, removed to and filed here. The petition stated, that the petitioner had two children, by his late wife, who were infants; that in right of their mother, they had become entitled, by descent, to an undivided interest in a grist-mill, and about one hundred and forty acres of land; that after consulting with the petitioner, the other heirs, deeming it highly advantageous to all concerned, had contracted to sell the property to Alexander Scott for \$6,424 25. Whereupon the petitioner prayed, that he might be enabled to convey the estate to the purchaser on behalf of his children, inasmuch as he verily believed, that such a sale would much promote the interest and welfare of his said children, and enable him to educate and support them more to their advantage than if no such sale were made.

12th December, 1810.—*By the Orphans Court.*—On due consideration of the allegations contained in the within petition, the court is of opinion, that the sale prayed for is to the advantage of the aforesaid Francis and Elizabeth, and should be confirmed; and that the petitioner John Goltier be authorized to make a conveyance of that part of his wards' real estate which they have by descent from their cousin Jonathan Booth, and mentioned in the within petition. In testimony whereof, I have hereunto set my hand and seal of office, this twelfth day of December, in the year of our Lord eighteen hundred and ten. David Smith, register.

18th December, 1810.—*KILTY, Chancellor.*—Under the power vested in this court by the act of 1798, ch. 101, sub ch. 12, s. 10, the above order of the Orphans Court is approved.—*Chancery Proceedings*, 1810, fol. 563.