

439 * On the 30th of July, 1818, the trustee reported that he had made a private sale of the unexpired term in one hundred and fifty acres of the tract of land called White Hall, namely, until the youngest child of Elizabeth Tilly, deceased, should arrive at the age of twenty-one years, unto Joseph Evans, who was entitled to the reversion, on the 28th day of October, 1817, for the sum of \$1,500, which sum is not to bear interest until the said Joseph Evans shall obtain the possession of the land, which is expected to be in December, or the first of January next. This sale, as thus reported, was finally ratified on the 15th of March, 1819.

On the 18th of November, 1829, Berry Griffith filed his petition in this case, in which he stated, that Horatio Tilly, one of the parties mentioned in the bill of complaint, was dead; that administration of his estate had been granted to the petitioner; and that the trustee Brewer, had received the purchase money for the interest on the land sold by him; and had failed to pay to the intestate of the petitioner, the share to which he was entitled. Whereupon the petitioner prayed, that the trustee Brewer, might be ordered to make a further report; to pay the petitioner the share due to his intestate; to bring the purchase money into Court, &c.

BLAND, C., 18th November, 1829.—This petitioner comes as the administrator of one of the original parties. If this is to be regarded as a suit, in all respects analogous to an ordinary **440** * suit by one party, claiming adversely to another, then it

dian shall have been appointed, shall direct. That the surplus interest, after what may be necessary for the maintenance and education of the infants respectively, as it accrues, shall be invested by such guardian, in such stock as aforesaid. That no part of the principal arising from the sale of any real estate, by virtue of this law, shall, in any wise be applied towards the maintenance or education of any infant, unless the Chancellor shall consider it necessary. That in case of the death of any such infants before their arrival at lawful age, or their death, without lawful issue, the proceeds of sale, or stock, shall be considered as real estate, and, as such, shall descend to those heirs who would be entitled to the said lands in the same manner as if the same had not been sold. And, that the Chancellor may exercise all the powers herein provided, in all cases where infants are seized of a reversion, dependent upon an estate for life, and upon the assent of the tenant for life for the sale thereof, to order the annual interest, or such part thereof as may be deemed equitable, to be paid over to such tenant for life, during his life.—1816, ch. 154.

It would seem that this Act had been understood, and intended by the Legislature, to embrace none other than legal estates of inheritance; because, apart from its general phraseology, of its expressly directing that the proceeds of the sale should, on the death of the infant, descend in the same manner as the land would have done; and because, by a subsequent enactment, it has been expressly declared that it should extend to equitable titles to real estates.—1818, ch. 193, s. 7. But the interest here directed to be sold was a mere use, determinable by the death or full age of the infants.