

It must now be assumed, that the Court had the power to order the interest of these infants to be sold, as directed by the decree of the 27th of October, 1807; since that decree cannot now be in any way revised or reversed. 1785, ch. 72, s. 27. And it must also be presumed, that the sale so ordered was intended for the benefit of each of these infants respectively, according to the terms of the devise, under which they claim, as the sale of that interest so given, was alone ordered to be sold by the decree; and consequently, the right of no one of them can now be taken to have been in any respect enlarged, lessened, or impaired by that decree. As infants, and during non-age, their claims were exactly equal; but, considered as elder and younger children, the extent and duration of their interests, in the proceeds of sale, are essentially different. The interests of the younger being greater than those of the elder, in proportion as the difference of age gives to the younger or survivor, a right to have a greater share of the whole annual product, applied to their maintenance after the death or full age of the others.

If the charge upon this real estate, for the benefit of these infants, had been suffered to remain, the whole profits must have been applied for the use of those only who were the infant survivors at the time the profits accrued. And as it could not have been the intention of the Court to enlarge, diminish, or alter the rights of any one of them by the sale, it is clear, that these proceeds of sale; being in fact, the price of those rents and profits must be distributed* in like manner, and upon the same principles as
444 those rents and profits themselves would have been.

Suppose, therefore, the whole amount of the net proceeds of sale to be \$2,160, that sum would be equal to an average of \$360 per annum, for six years. Then supposing there to be six minors, the youngest of whom would obtain his full age in six years from the day of sale; and the right of one of them to be extinguished by death, or full age, every year; it would follow, that during the first year, there being six infants to maintain, each one would be entitled to no more than \$60, to be taken from the common fund; that during the second year, there being only five infants, the dividend to each would be \$72; the next year there being only four infants, the dividend to each would be \$90; the next year, there being only three infants, the dividend would be \$120 to each; then, there being only two infants, \$180 would be awarded to each; and the last infant would take the residue, being the price of the rents and profits of the whole estate which would have accrued during the period of his minority alone.

The day on which each of these infants came of age, or died, must be ascertained; and then the net proceeds of the sale must be considered as the sum total of the rents and profits from the day of sale, when the trustee's right to take them, ceased, up to the