

ages of eighteen and twenty-one years, could not have an actual guardian appointed for them by the Orphans' Court. Whereupon he prayed that a guardian might be appointed for them by this Court.

674 BLAND, C., 22d September, 1830.—Upon a careful * consideration of the several legislative enactments in relation to the ages at which females are to be endowed with certain capacities, it will be seen, that it has been merely declared, that a female shall be accounted of full age to receive her estate at the age of eighteen, or day of marriage, which shall first happen; 1715, ch. 39, s. 15; 1829, ch. 216, s. 5, 6; that on receiving her estate after that age she may execute a release therefor to her guardian; 1829, ch. 216, s. 7; (b) and that no will shall be good and effectual to pass any interest in land unless the person making the same, if a female, be of the full age of eighteen years. 1798, ch. 101, sub-ch. 1, s. 3. And following out those principles upon which a capacity to receive, hold, and dispose by will of their estates at the age of eighteen, was conferred upon females, the jurisdiction of the Courts, clothed with the common and ordinary powers in relation to infants, has been accordingly limited by declaring, that the Orphans' Court should only have authority to appoint a guardian to a female infant until the age of eighteen, or marriage; and that such guardian should then account and deliver up all the property in his possession to such female. 1798, ch. 101, sub-ch. 12, s. 1 and 15; 1829, ch. 216, s. 5, 6.

But there is nothing in any of those legislative enactments conferring such qualified capacities upon females, or by which the jurisdiction of the Orphans' Courts has been so limited which can be construed to have altered the general rule of the common law as to age; or from which females can be construed as of full age at eighteen in any other respect, or for other purpose whatever where the legal capacity has, by the common law, been limited to the full age of twenty-one years. *Davis v. Jacquin*, 5 H. & J. 100. And since it has been expressly declared, in immediate connexion with the matter, that nothing contained in the general Act, regulating the powers and duties of the Orphans' Court, should be construed to affect the general superintending power exercised by the Court of Chancery with respect to trust; 1798, ch. 101, sub-ch. 12, s. 16; and since it has also been expressly enacted, that a sale of the real estate, as prayed for in this instance, may be decreed in order to save the personal, with the consent of all parties of full age, and the actual guardian of minors; 1818, ch. 193, s. 8; *Pue v. Dorsey*, 1 Bland, 140, note; *Partridge v. Dorsey*, 3 H. & J. 305; it

(b) And since they have been endowed with a capacity to execute powers of attorney for such purposes, 1831, ch. 305, s. 5.