

brought before the Court, as a foundation for that decree for a sale, which it is called upon to pass. And after the sale has been made, and the estate converted into money, the money may lay for some time unproductive, as the Court may have no means of making an immediate investment; and which when made, cannot be altogether so free from risk, or any thing like so absolutely secure as the real estate itself, the title to which was undisputed; and especially where it consisted of lands in the country, with a small proportion in value of perishable edifices. *Doughty v. Bull*, 2 P. Will. 322; *Oates v. Brydon*, 3 Burr, 1898.

These laws authorize an application of this kind, as well for the benefit of a single infant, holding a real estate in severalty, as in behalf of a plurality of infants, possessed of a real estate as joint-tenants or tenants in common with each other. They authorize such an application in behalf of an infant or infants possessed of a legal real estate of inheritance, or of an equitable title to real estate, or who may be seised of a reversion, (*h*) dependent upon an estate for life; and they apparently embrace real estates of the greatest value and largest annual profits, as well as the smallest and least productive. In order to obtain a decree for a sale it is declared, that the Court must be satisfied, that it would, under all circumstances, be for the interest and advantage of the infant. Thus calling for the exercise of a large and indefinite discretion, apparently regarding the interests of none but the infants; yet it is declared, that, in case of the death of the infant without issue, the proceeds of sale shall descend as lands. Hence it is evident, that although the realty is to be converted for the benefit of the infants; the sale is not allowed to operate as a total and immediate conversion; but, during the minority of the infants, the estate is, for certain purposes, to retain its original character, and remain in a transitive condition. But the placing of it in such a situation may be productive of much inconvenience, as regards the interests of the infants themselves, and may create much embarrassment as to all others who may have any concern with it. *Leigh & Dal. on Conversion*, 87, 147.

209 * An application for the sale of the real estate of a single infant can only be sustained because of the wasting, depreciating, or unproductive nature of it, and the necessity of obtaining for him an adequate maintenance from that, his only property;

other estate whatever. Yet by the Act of 1832, ch. 192; and their petition, filed here on the 28th of May, 1833, it appears, that they had inherited, and then held other real estate of considerable value. See also the bill of *Henry L. Williams and others v. Susan F. Williams and others*, filed here on the 1st of July, 1826, and the decree thereon, 18th July, 1826; *Hoby v. Hobv*, 1 Vern. 218; *In the matter of Stiles*, 1 Hopk. 341.

(*h*) Since extended to a remainder, by 1831. ch. 311, s. 9; and to trusts for infants, and to chattels real, by 1835, ch. 380, s. 9.