

of the sales, after deducting the value of the dower, should be invested for the use of the petitioner for life, and, after his death, for the benefit of his children, according to the provisions of the said trust deed.

This is the case, then, of an application by petition, to open and revise a decree, after the term has passed at which it was made. The decree passed before the commencement of the sittings of the July term, 1846, and, consequently, that term, and the then ensuing September and December terms had closed, before the petition was filed; and a preliminary question presents itself, as to the power of this court, upon petition, to rehear the matters settled by the decree.

In *Burch et al. vs. Scott*, 1 *G. & J.*, 393, the Court of Appeals decided, that a decree signed and enrolled, could not be reheard upon petition, and that a decree would be considered as enrolled, when signed by the Chancellor, filed by the Register, and the term had elapsed at which it was made.

This decree, then, is to be regarded as enrolled; and it is clear, that if an application were made, by petition, to open the enrollment and vacate the decree, it must be refused.

It may be said, however, that this is not an application to vacate the decree, but to give the fruits of it a different direction from that which, upon the proceedings as they stood at the time it passed, they would take; that is, that instead of distributing the proceeds of the sale among the parties, according to their rights and interests as displayed upon the face of the proceedings, the whole amount shall be given to one of those parties for life, with remainder to persons who were not parties to the decree.

But the decree contained no reservation of equities, or for further directions, and was of course final upon the rights of the parties, and this court, therefore, in this way, has no more power to change the rights thus settled, than it would have to open the enrollment and vacate the decree. 2 *Daniell's Ch. Pr.*, 1199.

In *Estep vs. Watkins*, 1 *Bland*, 489, the late Chancellor said, "every decree stands, and must be allowed to stand, for