

defendants, answered, and assented to the sale. George B. Stephenson, one of the said defendants, the surviving husband of Augusta Virginia Levering, the youngest child of the said Nathan Levering, filed the marriage settlement, executed at the time, and under the circumstances stated in the opinion of the Chancellor. A decree was thereupon, on the 25th of October, 1838, passed, for the sale of the property, and said Heighe appointed trustee for that purpose. The sale was accordingly made, and the Auditor, by his account, filed on the 29th of October, 1839, assigned one-sixth of the net proceeds of sale, to George B. Stephenson, as heir of his child by his wife, Augusta Virginia, said child having survived its mother and taken by purchase under said marriage settlement. To this account, the surviving brothers and sisters, and the children of the deceased brothers and sisters of the said Augusta, on the 15th of November, 1839, filed their exceptions, upon the ground that said settlement was wholly void as against them, and that the said Stephenson is only entitled to his curtesy interest in said property. Other accounts were then stated, in accordance with the views of the exceptants, and were confirmed, so far as they assigned the curtesy interest to said Stephenson; but the difference between this sum, and what he claimed under the settlement, was expressly reserved for future order. The other proceedings are sufficiently stated in the Chancellor's opinion.]

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THE CHANCELLOR :

This case, which has been argued upon exceptions to the report of the Auditor, presents a very interesting question, and one which, it is believed, is entirely new in our Courts.

The question is, whether a settlement of her real estate, made by a female infant in contemplation of, and before the eve of her marriage, is so far valid that in the event of her dying during her minority, the estate thereby conveyed shall descend in a manner different from the direction which the law of descents would give it in case of intestacy?

The facts are as follows. Augusta Virginia Levering, being