which offer not being accepted, cannot be used with much effect in the progress of the cause: that, at all events, it is certainly not now in the power of the Court to say that the fact that the defendant owes this precise sum, is so conclusively established as to be open to no further controversy at any subsequent stage of the cause. The application must be overruled.

TEACKLE and BARROL, for the Complainant.
ALEXANDER and GILL, for the Defendants.

JOHN WATSON AND OTHERS vs. GEORGE W. GODWIN AND OTHERS. — DECEMBER TERM, 1851.

[SALE OF LANDS UNDER ACT OF 1785, CH. 72, SEC. 12.]

IT must appear to the Chancellor that *all* the parties interested will be benefited by selling the property, before a decree for a sale can be passed under the Act of 1785, ch. 72, sec. 12.

The jurisdiction of the Court cannot be sustained, unless the bill alleges that it will be for the interest and advantage of all parties interested that the land should be sold.

Making the infants complainants, does not dispense with the necessity of proof in support of the allegation that it will be for their interest to have the land sold.

Neither the answer of the infant, nor the answer of adult defendants confessing the fact, is evidence to affect the infant.

A bill for a sale under this Act may, consistently with the practice of the Court, be converted by amendment into a bill for a partition.

[The original bill in this case was filed by George Watson and wife, on the 20th of June, 1849, for a sale of certain lands devised to the wife of the complainant George, and her sister Ann, the wife of the defendant Godwin, as tenants in common in equal shares. The answer of Godwin and wife denies that the sale would be advantageous to those entitled, and objects thereto.

After the commission was issued to take testimony, the wife