

ing in the attitude of a complainant, is John Watson, who has only a curtesy interest in that portion of the estate which belonged to his late wife, Sarah E. Watson, as his infant children, though made complainants upon the record, are no more committed to the statements of the bill, than if they had been made defendants. And it is therefore substantially a case in which he stands opposed to the parties owning one moiety of the property in fee, and in which those who own the fee in the other moiety are neutral. Under such circumstances, it seems to me the duty of the Court, to require of the complainant very strong proof in support of his case. He having but a life estate in a portion of the property, is asking that the inheritance of the other parties may be sold, that he may receive the value of his interest in money, and they resist the application, being unwilling, and denying the necessity of any such proceeding. In my judgment, the proof in the case falls short of the requirements of such a case, and a decree for a sale cannot be passed.

But though a sale will not be ordered, I do not deem it proper to dismiss the bill, as urged by the defendants' counsel, because by an amendment it may consistently, with the practice of the Court, be converted into a bill for a partition. And I shall therefore pass an order, directing the case to stand over, with leave to the complainants to apply for permission to amend.

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CARMICHAEL and BROWN, for Complainants.

CLINTON COOK, for Defendants.