

whole should be settled upon her as land ; unless she should expressly consent that the proceeds of sale should be otherwise disposed of.(a)

(a) *Spurrier v. Spurrier*, post 000 ; *Iglehart v. Armiger*, post 000.

WELLS v. ROLOSON.—This bill, which was filed on the 12th of June 1815, states, that the late John Wells, by his last will, among other things, devised certain real estate to his children, as tenants in common ; one of whom, Margaret, was to hold for life with remainder over to her children in fee ; that Margaret had several children who are infants, and was then the wife of the defendant Richard Roloson ; that the land was incapable of division ; and that a division could not be obtained because of the infancy of Margaret's children. Prayer that the estate might be sold and the proceeds divided. The defendants answered, admitting the facts as stated.

20th July, 1816.—*KILTY, Chancellor*.—Let a commission be issued under the act to direct descents to persons to be named by the complainant.

After which the case standing ready for hearing, and being submitted, the bill, answer, exhibits, and return of the commissioners, together with all other proceedings having been by the Chancellor read and considered ; it was on the 31st of December 1816 decreed, that the real estate be sold, and that William Gwynn be the trustee for that purpose, &c. A sale was accordingly made and confirmed. On the 25th of August, 1817, the auditor reported a distribution of the proceeds of sale after deducting costs, &c. ; in which he says, that he had divided the balance among the deceased's children to be paid agreeably to his will,—that is, among others, to Caleb Davis and Mary his wife, one-sixth of the balance \$963 86, and to Richard Roloson and Margaret his wife during her life, and thereafter to her children or their issue according to the deceased's will, \$963 86.

23d September, 1817.—*KILTY, Chancellor*.—Ordered, that the above statement as reported be confirmed, and the proceeds applied accordingly, with interest on the commission and dividends, in proportion as it has been or may be received.

After which the trustee, referring to this last order, prayed, that he might be authorized to pay the dividend awarded to Margaret and her children to the register, that the same might be applied, invested or paid over as to the court might appear just and most conformable to the will of the said John Wells.

30th September, 1817.—*KILTY, Chancellor*.—The trustee is authorized to pay into this court, to the register thereof, the part of the proceeds of the sale mentioned in the above petition, to be deposited in the usual manner subject to the order of the court.

Which dividend having been brought into court accordingly, Margaret Roloson set forth, that she was willing and able to give good security ; and thereupon prayed, that the dividend awarded to her might be paid over.

28th October, 1817.—*KILTY, Chancellor*.—On the application of Margaret Roloson the report of the auditor and the will of John Wells have been considered. A bond must be executed by Richard Roloson for the payment of the sum, to wit, \$963 86 to the children of Margaret Roloson or their issue after her death according to the will of John Wells. The penalty of the bond to be 2000 dollars.

Mary Davis by her petition states, that her husband Caleb died on the 14th of June 1817, without having received any part of the proceeds of sale ; that she had been advised by the trustee to take out letters of administration on the estate of her