

CHAPTER 82.

Of the Estates of Infants.

SECTION

- 1.—Court may order sale of real estate, &c., of infants.
- 2.—Effect of conveyance by guardians, &c. Report.

SECTION

- 3.—Appropriation of proceeds.
- 4.—Interest of infants in proceeds.
- 5.—Conveyances to be presumptive evidence that proceedings were rightly had.

1. An infant entitled to real estate or chattels real, may, by his next friend or guardian, petition the Court for an order to sell or dispose of the said property, and the said Court shall proceed in a summary way, on affidavit, to enquire into the merits of such application; and if the disposal of such property, or any part thereof, be necessary for the support of such infant, or for his education furnished or to be furnished, or if the interests of the infant will be substantially promoted by such disposal on account of any part of the said property being exposed to waste or dilapidation, or being wholly unproductive, or for any other reasonable cause, the Court may, on the filing of a bond by such guardian or next friend, or other person approved of by the Court, in case he be not already a law-

fully appointed guardian, with such sureties, in such form, and on such terms and conditions as shall be directed, order the letting for a term of years, the sale mortgage or other disposal of such property, whether possessory or reversionary, by such guardian or next friend, in such manner and with such restrictions as shall be deemed expedient, but not in any case contrary to any last will or conveyance by which such property was devised or conveyed to such infant, unless where the support or maintenance of the infant shall have required or shall then require it, and it shall be so expressed in the order.

2. All sales, leases, mortgages, or conveyances, made in good faith by any guardian or next friend, in pursuance of such order, shall be as effectual as if made by such infant after he had attained the age of twenty-one years; and it shall not be necessary in the conveyance, to recite any part of the proceedings required by this chapter, but the same shall briefly refer to the order and the sale, leasing, or other disposal of such property. The party making the sale shall file a report thereof with the Chief Clerk and Registrar of the Court.

3. Upon any order for the sale of any property being made as aforesaid, the Court may make such order for the investment, disposal and application of the proceeds of such property, and of the increase and interest arising therefrom, as shall secure the same for the infant's benefit.

4. No sale made as aforesaid shall give to any such infant any other or greater interest or estate in the proceeds of such sale than he had in the estate so sold.

5. Every conveyance made under the foregoing provisions, and registered in the office of registration for the district in which the lands lie, shall be taken as presumptive evidence that all the proceedings on which the same is founded were rightly had.