

his estate might be deteriorated, or exposed to any new and additional perils. Thus demonstrating, that, in England, no court of justice has ever presumed, for any purpose of general advantage merely, however plausible or apparently safe, to interfere with the right of property of an infant, or indeed of any one. And it also appears, that in those cases where the parliament in the plenitude of its sovereign power has directed any such alteration of property to be made, it has most usually done so with a saving of the rights of its infant owner. (*s*)

In England there are many modes of investing money, other than by the purchase of real estate, so as to preserve it in perfect safety, and yet keep it constantly productive. In this country it is not so. There are here comparatively few, or, perhaps, no such perfectly safe and productive forms of investing money, other than by the purchase of land, or upon the mortgage of real estate, as in England; and therefore, considering the peculiar circumstances of our country, the conversion of an infant's personal estate into realty, by way of a permanently safe investment, is much more obviously justifiable or even commendable here than in England. (*t*)

On the other hand, apart from those kinds of conversion of the realty into personalty, by the sale of timber, coal, &c. it is, upon the same consideration, evident, that, in this country, no investment can be any thing like so safe as in land to which there is a clear title; and that the conversion of a clear fee simple estate in land can never be made with any prospect of placing the fund in the same degree of absolute security, or without incurring some expense and loss, such as costs and commissions; and can rarely be so completed as to result in any general and permanent advantage to the infant. Consequently, there being no shadow of authority to be found in the English books, it would be difficult here to find any tenable ground upon which a court of justice could sustain itself in making a conversion of an infant's real estate into personalty; or in so dealing with it, upon the pretext of its being for his advantage as to diminish its value, or to subject it to any new and additional perils. (*u*)

In mortgage cases it is, however, said, that the court will order an infant's real estate, that is, regarding his equity of redemption

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(*s*) *Anandale v. Anandale*, 2 Ves. 383; *Oxenden v. Compton*, 4 Bro. C. C. 235, note; *Oxenden v. Compton*, 2 Ves., jun., 77.—(*t*) *Ringgold's case*, 1 Bland, 26.—(*u*) *Doughty v. Bull*, 2 P. Will. 320; *Partridge v. Dorsey*, 3 H. & J. 307, note, 322.