upon to show that it is void under the insolvent system, as the laws constituting that system have been construed by the courts are, I think, too light and inconclusive in opposition to the proof the other way. That deed therefore must be allowed to stand.

—

S. T. WALLIS and R. JOHNSON, jr., for Complainants.
JOHN NELSON and JAMES M. BUCHANAN, for Defendants.

[Both parties appealed from the decree of the Chancellor passed in accordance with the above opinion, which appeals are still pending.]

FRANKLIN BETTS ET AL.
vs.
JOHN W. WIRT ET AL.
} SEPTEMBER TERM, 1851.

—

[CONVERSION OF REALTY INTO PERSONALTY—DOCTRINE OF RELATION.]

—

WHERE land is sold under the Act to direct descents, or by a trustee under the Act of 1785, ch. 72, for the purposes of partition, or for the payment of debts where the personal estate proves insufficient, the mutation from realty to personalty is not effected until the sale has been finally ratified, and the purchaser has complied with the terms of it.

The ratification of the sale, and compliance with the terms of it by the purchaser, when done, do not relate back and work a conversion from the day of sale.

The doctrine of relation does not apply to such a case; this doctrine is founded upon a principle of equity, and is never admitted to prevail unless required to advance the purposes of equity.

Patents of lands relate back to the certificate so as to overreach prior grants, only when the holder of the prior certificate has a superior equity.

As between the heirs at law, and the next of kin, the superior equity cannot be with the latter; the policy of the law is to permit the estate to descend in the line of the ancestor from whom it came, and the inclination of the courts should be in favor of the heir.

—

[The facts of the case are fully stated in the opinion of the Chancellor.]