tributed in like manner, and upon the same principles as those rents and profits themselves would have been.

Suppose, therefore, the whole amount of the net proceeds of sale to be $2,160, that sum would be equal to an average of $360 per annum, for six years. Then supposing there to be six minors, the youngest of whom would obtain his full age in six years from the day of sale; and the right of one of them to be extinguished by death, or full age, every year; it would follow, that during the first year, there being six infants to maintain, each one would be entitled to no more than $60, to be taken from the common fund; that during the second year, there being only five infants, the dividend to each would be $72; the next year, there being only four infants, the dividend to each would be $90; the next year, there being only three infants, the dividend would be $120 to each; then, there being only two infants, $180 would be awarded to each; and the last infant would take the residue, being the price of the rents and profits of the whole estate which would have accrued during the period of his minority alone.

The day on which each of these infants came of age, or died, must be ascertained; and then the net proceeds of the sale must be considered as the sum total of the rents and profits from the day of sale, when the trustee's right to take them, ceased, up to the full age or death of the youngest, or last, of the infants, when the interest sold, expired; and the distribution of the net proceeds of sale must be made upon those principles among those infants, or the representatives of those who died before their shares which thus vested, had been actually paid.

It is said that the death of the petitioner's intestate, is only presumed from his long absence. The general rule is, that any one who has not been heard of for the space of seven years may, for all legal and equitable purposes, be presumed to be dead. Therefore, in this instance, the death of *Horatio Tilly* may be assumed to have happened just seven years after the day on which it is shewn by proof, that he was last heard of.

It is expressly declared, by the law under which the sale of the interest of these infants appears to have been made, that no part of the principal arising from the sale shall, in any wise, be applied towards the maintenance of the infant unless the Chancellor shall consider it necessary. (*c*) Now, whether these proceeds are to be

(*c*) 1816, ch. 154, s. 8.