

When it was ascertained, as the plaintiff in his bill admits it was, that the land had belonged to *Bridge*, and when we see, as we do, from the deeds before us, that the legal estate which the plaintiff admits was ascertained to be in *Bridge*, was not merely the dry legal estate, or some outstanding interest or title which was necessary to be got in, in order to perfect some real interest or title of which the heir of *Graves* was seised, but that the ancestor of the plaintiff had for a good consideration divested himself more than fifty years ago of the property by conveying it to a purchaser, so that he or his heirs could no longer be the owners: when we see this to be the truth of the case, we must see, I think, that the plaintiff has no good ground for coming to a court of equity to seek to disturb the title or possession of other parties. He has no claim of any kind to stand upon—I mean no interest—and never had any interest in this property to protect. If the court should interfere it would not be to redress any actual injury, for none has been suffered by the plaintiff, but simply to vindicate the principle that a confidence reposed is not to be abused. That the courts will sometimes interpose in cases solely on that ground, I have no doubt, but I think, for the reasons I have stated, that the facts of this case are not such as should induce us to do so, whatever we may think of the conduct of any of the defendants, and certainly not after the property has been dealt with as it has been since 1850, involving the interests of many parties, some of whom have made extensive improvements.

1862.

Henderson  
v.  
Graves.

Judgment.

In *Lester's* case (a) it is said, "A man was guardian or trustee for an infant to whom lands are descended or devised, but the title in truth was in a third person; if the trustee or guardian buy in the title of this third person, this shall not be taken to be a trust for the infant, for he is at liberty to purchase it as well as any body else, and so it was held in the case of *Combes* and *Throckmorton*, by the Chancellor."

(a) 2 Freeman, 52.