

a reasonable time, for the purpose of ascertaining what proportion of such paper now outstanding, the estate of Jones will pay.

The original bill, as has been stated, prays that the mortgaged premises may be sold, for the payment of the debts properly chargeable thereupon ; but on the 23d of September, 1847, the complainants filed their supplemental bill, in which they set forth, among other things, that since filing their original bill, they had discovered, that upon an amicable bill, filed previously by the said Samuel Jones, against the said Hancock and Mann, and Dawson and Norwood, a decree had been passed by this court, for the sale of the real estate of Hancock and Mann, under the unregistered mortgage ; that the trustee appointed by the said decree, had sold said real estate, and praying that the bill of these complainants may be consolidated with the proceedings under said decree, and taken to be, and considered as one and the same case, and that all the proceeds of sale, in the hands of the trustee, may be ordered to be invested, under the order of this court.

This supplemental bill also prays, that all persons holding paper or securities covered, or claimed to be covered, by the aforesaid mortgages, may be required to file their claims in this court, by some day to be limited for that purpose.

In view of this supplemental bill, I am of opinion, that a re-sale of the property cannot now be decreed. It seems to me manifestly to adopt the sale made by the trustee under the decree referred to, and to confine the prayer for relief, to the proceeds of the sale ; the order therefore will consolidate these two cases as prayed.

There is yet one other branch of this case to be considered.

The bill charges, that John Clarke, Nelson Clarke, and Henry Mankin, trading under the name and style of Clarke and Kellogg, have, in confederacy with some of the parties, held, worked, and wasted, the property included in the two last deeds of mortgage ; and it appears by their answer, and supplement thereto filed, and received by consent, that these parties, as commission merchants, and at the request of Hancock