

complete the trust. Whereupon it was prayed, that a new trustee might be appointed; that the real estate which had been bought by the said *Booth* might be re-sold for the payment of the balance of the purchase money; and that they might have such relief as the nature of their case required.

3d January, 1826.—BLAND, Chancellor.—Ordered, that *William D. Merrick* of Charles county, be appointed trustee in place of the said *James Cook*, deceased, with all the powers with which the said *Cook* was invested by the decree of the 30th of June, 1810; and that he give bond, &c. in the penal sum of \$5,000. And it is further Ordered, that the said trustee hereby appointed proceed to make sale of the said real estate according to the terms of the said decree; unless the said *John Llewelin* and *Mary* his wife shew good cause to the contrary on or before the 14th day of February next. Provided that a copy of this order, together with a copy of the said petition, be served on the said *Llewelin* and wife on or before the 17th of the present month.

Llewelin and wife, on the 9th of February, 1826, filed their answer to this petition, shewing cause as allowed by this order, in which answer they state among other things, that their intestate *Booth* had purchased the real estate as stated; that he died on the tenth of November, 1824; and that sundry payments had been made by him to *Edmund Key*, the guardian of the petitioners under the authority of this court, and with the consent of the said trustee *Cook*, &c.

After which it was agreed, that no re-sale was to be made until the auditor had stated an account ascertaining the balance due from the estate of *Booth*, the former purchaser; and that thirty days thereafter should be allowed for making payment. The report of the auditor to be affirmed, as of course, unless objected to within seven days after notice thereof. Upon this agreement the case was, by an order of the 14th of April, 1826, referred to the auditor to state an account accordingly.

In a report, filed on the 19th of June, 1826, the auditor says, that he had stated the account therewith returned between *Jeremiah Booth*, deceased, the purchaser, and estate of *Richard Jordan*, deceased, wherein he had charged the said *Jeremiah Booth* with the amount of his bonds given for the two last instalments of the purchase money. And allowed all the payments claimed by the answer of *John Llewelin* and *Mary* his wife to the petition of *Ann*