

This matter arose on a bill filed, on the 7th of November, 1821, by the Farmers Bank of Maryland, against John J. Gibson and others, the representatives and trustees of the late John Gibson, for the sale of a real estate, which he had mortgaged to the bank to secure the payment of \$5,325.20, with interest, upon which a decree was passed, on the 12th of February, 1822, appointing Addison Ridout to make the sale, who reported, that he had made a sale of it, for one-third cash, and the residue in three annual payments, which sale was, on the 3d of November, 1825, finally ratified, allowing the trustee for commission and all expenses, \$309.50. The auditor thereupon stated an account, distributing the proceeds of sale, in which the amount allowed to the trustee was appropriated to him, which account as reported by the auditor was ratified on the fifth day of the same month. Some time after \* which the trustee, Ridout, died, before he had collected the whole amount of the purchase money; and, on the 14th of **139** December, 1826, Louis Gassaway was appointed as his successor to complete the trust; and he now asks for an allowance of commissions on the sum of \$4,779.70, the balance of the purchase money collected by him.

BLAND, C., 15th February, 1827.—It has been the practice of this Court, for a long time, in a great variety of cases; but, particularly in creditor's suits, to have its decrees and orders carried into effect by a kind of occasional executive agents, called trustees; who perform offices, in many respects, entirely analogous to those of the regular executive officers of the Courts of common law; and similar to those which, in the English Court of Chancery, are performed by the regularly constituted officers of that Court, called masters in Chancery. The trustees of this Court hold a place under it, and discharge their duties in a manner entirely unknown to the English Chancery system. The principles by which they have been governed have grown out of the nature of the cases in which they have been employed; and, although often modified, as propriety and convenience seem to suggest, they cannot yet be regarded as being well settled, and as generally understood as the nature of the subject requires.

Trustees appointed and employed by this Court have always been considered as its ministerial officers; and, in whatever way they may have originated, the power to employ such agents having been recognized and affirmed by several legislative enactments, it may be now considered as finally and firmly established. 1785, ch. 72, s. 7; April, 1787, ch. 30, s. 5. (*d*)

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(*d*) PUE v. DORSEY.—This bill was filed on the 9th of June, 1784, by Michael Pue, William Goodwin and Milcah his wife, and Eleanor Dorsey, surviving executors of Caleb Dorsey, against Edward Dorsey, son of Samuel. The bill