

happen, that females are appointed as the executive trustees of this Court, yet they cannot be regarded as incompetent to act as such in any case whatever.

* But where it appears that the duties of trustee are altogether, or in most respects incompatible with the duties of **143** the office which the proposed person holds, such as that of the register of this Court, a clerk, or a Judge of a County Court, &c., such person cannot be employed as a trustee by this Court. *Bac. Abr. tit. Offices and Officers, (K.)* In general, where the sale or disposition of any property is to be confided to a trustee, he must be required to give security for the faithful performance of his trust; and consequently, as no one can be so appointed who is incompetent to contract, an infant or a *feme covert* cannot be a trustee in any such case. It is necessary, in all cases, that the trustee of the Court should be a citizen, resident within its jurisdiction; not only that he may be the better able to discharge his duties; but, that he may be continually within its reach and control; therefore, no one who is not a resident, or who is engaged in any pursuit; or who holds any office which may require, or subject him to go, or be ordered out of the State during any long intervals of time,—such as masters of merchant vessels, or officers in the army or navy,—can be appointed trustees. And as a trustee can only be appointed during the pleasure of the Court, if he remove out of the State, neglect his duty, or is guilty of any injurious or improper conduct, he may, on application of any one concerned, be displaced, and another trustee appointed in his stead. *Ex parte Ord, Jac. Rep. 94; Logan v. Fairlee, Jac. Rep. 193; Berry's Case, MS. 14th May, 1803; Chew v. Birkhead, MS. 30th June, 1798; Kilty v. Quynn, MS. 5th January, 1813, and 1st August, 1815.*

real estate of George Black in the petition and will mentioned, as devised to be sold, be sold according to the directions and provisions of the said will; and that Margaret Black, &c. be trustee, &c., &c.; she shall proceed to sell either at public or private sale, and on such terms and conditions as she may deem most advantageous to the estate, &c., &c. “Provided, and it is the true intent and meaning of this decree, that if it shall appear to the trustee, that the sale made by her deceased husband, James Black, to James Welch, was a fair and beneficial sale for the estate, that the trustee shall then confirm and agree to the same and make report to the Chancellor; and on the Chancellor's ratification and confirmation, and on the payment of the purchase money, the trustee shall by a good and sufficient deed convey to the said James Welch and his heirs, the land he purchased, which deed shall have the same effect as hereinbefore mentioned.” (*Ex parte Mary J. Bayard, by her next friend, order 22d March 1802; and 1818, ch. 193, s. 9.*)

The trustee, Margaret Black, reported her approbation of the sale made to Welch, which on the 28th November, 1805, by an order, was to be ratified *visi, &c.*, publication to be made in the Easton newspaper, “or set up and continued three weeks at the door of the Court-house of Kent County before the end of December next;” which order was afterwards made absolute.