

such bond creditor may file a bill in behalf of himself and other bond creditors against the heir and devisee with the executor or administrator of the deceased, to obtain satisfaction of their claims * from the personalty, if sufficient to pay all, or by a **324**

plete, and shall complete the said trust, he shall be allowed a commission of five per cent. on the amount of the sale. And whereas the quantity of the land sold to Brooke is uncertain, the said Magruder is hereby authorized to ascertain the same, and whatever reasonable expense is by him incurred, in so doing, shall be allowed.

And it is further Ordered, that the sale made by the said trustee Edward Nicholls, be absolutely ratified, no cause having been shewn, &c. although notice, &c. And it is Ordered, likewise, that the auditor of this Court state the application of the money arising from the sale, agreeably to the directions of the said Berry's last will, deducting first the costs of suit and a commission of one and a half per cent. to the aforesaid trustee, who, it appears, hath left the State without completing his trust. Before the auditor can state as aforesaid, he must ascertain from proof, who are the persons entitled to said money.

Ex parte ZIMMERMAN.—This petition, filed on the 6th of July, 1802, states that the late George Beckenbaugh, by his last will, directed that his wife and children should be supported out of the rents and profits of his real and personal estate, until his real estate could be sold to advantage, without loss to his wife and children; that the proceeds of the personal estate are wholly insufficient for the support of the widow and children; that the land might be then advantageously sold; but that no person had been appointed to make the sale. Whereupon it was prayed that a trustee might be appointed to make the sale, &c.

HANSON, C., 6th July, 1802.—Decreed, in the usual form, that the land be sold, &c.

After which, a sale was made, reported, and ratified accordingly.

Ex parte CONWAY.—This petition, filed on the third February, 1803, stated that the late George Conway, by his last will, directed "that said executrix shall make over and convey unto whomsoever may become a purchaser of fifty acres of land, it being part of a tract or parcel of land called and known by the name of Aldridge, beginning, &c. and apply the money arising thereby as the rest of my personal estate, heretofore mentioned." And, after some legacies, he gave all the remainder of his personal estate to be equally divided amongst his five children, &c. The petition further stated that the executrix died without having made sale, &c.

HANSON, C., 3d February, 1802.—Decreed, that the land, in the proceedings mentioned, be sold, and that Thomas Cromwell be appointed trustee to make the sale, &c.

A sale was accordingly made and reported.

HANSON, C., 16th April, 1803.—Ordered, that the sale be absolutely ratified, notice, &c. &c., and that the auditor make a distribution of the money ac-