

As required by this order, notice was given to the creditors of the testator William, to file the vouchers of their claims. After which, the case was taken up by the auditor, and sundry statements made and reported. Upon all which, on the petition, and with the consent of all parties, the case was referred to arbitration; in pursuance of which, the arbitrators made and returned an award, by which the case was finally closed.

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* ANDREWS v. SCOTTON.

CHANCERY SALES.—THEIR RATIFICATION AND REJECTION.—MODAL REGULATIONS.—ENFORCEMENT OF PURCHASER'S LIABILITY.—REMEDIES OF A MORTGAGEE.—LOCATIONS BY SURVEYOR.—OPENING BIDDINGS.—COMMISSIONS.

The surveyor of the county may be ordered to survey the lands in controversy; to take the depositions of witnesses; and to return plots.

Locations made under an order of survey, which are not counter-located, are admitted.

The mode of selling land under a decree; in such sales the Court is the vendor, and retains a lien to secure the payment of the purchase money. (a)

If the purchaser fails to pay, he may be proceeded against summarily; be sued upon his bond; and the land may be re-sold at his risk; but the sale, as reported, may be first ratified, and the purchaser must have been after that, first called on by an order to pay or shew cause. (b)

With the consent of all concerned, the sale may be at once confirmed. (c)

The grounds upon which a sale may be rejected, or set aside.

The Court sells nothing more than the interest of the parties to the suit; and therefore the purchaser can call for no inquiry into the validity of the title.

If a trustee who is directed by the decree to sell the tract of land entire, and at public sale, should sell it at private sale and in parcels, or in any other manner different from the mode prescribed, and report satisfactory reasons for doing so, and no objection is made, the sale may be ratified. (d)

The surveyor's fees are a part of the costs; but if he fails to have them taxed and included in the decree, as affirmed by the Court of Appeals, this Court can give no relief.

A party brought before the Court, under an attachment to enforce the payment of money, on producing his release under the insolvent law, may be discharged.

(a) Cited in *Warfield v. Dorsey*, 39 Md. 308; *Gibbs v. Cunningham*, 1 Md. Ch. 50; *Harrison v. Harrison*, *ibid*, 332.

(b) Affirmed in *Anderson v. Foulke*, 2 H. & G. 346. See *Richardson v. Jones*, 3 G. & J. 164, note; Rev. Code, Art. 66, sec. 6.

(c) See *Wilson v. Watts*, 9 Md. 357.

(d) Cited in *Gibbs v. Cunningham*, 1 Md. Ch. 50; *Glenn v. Wootten*, 3 Md. Ch. 516. See *Glenn v. Clapp*, 11 G. & J. 1, note (e); *Gibson's Case*, 1 Bland, 138, note (b); *Harrison v. Harrison*, 1 Md. Ch. 331.