

the trustee as the mere agent, having no right or power whatever, other than as a mere attorney. Hence it is clear upon principle,

terested. And what that distinction is, may appear from what he has already said.

It is Ordered, that the sale made by Philip Barton Key and William Marbury, as stated in their report, of a tract or body of land called Semple's Manor, be, and it is hereby declared to be absolutely ratified and confirmed.

After which, upon further and additional information, this matter was again brought before the Court.

HANSON, C., 4th December, 1803.—The sale in this case reported hath been ratified, because no person legally interested had made any objection, and because no other person had come forward, either in person or by solicitor, to support the objections transmitted in a private letter, or to shew their validity. But the Chancellor having since received information, which would have had weight in case he had received it before, viz. that persons interested in the sale are dissatisfied, and the Chancellor having reason to believe that ignorance or want of notice may have prevented persons from appearing, to make or establish objections; and having always, with respect to sales, availed himself of information, in whatever way obtained:

It is, thereupon, Ordered, that the order for ratification passed in this cause, be, and it is hereby set aside and revoked; and that on the 15th day of February next, the Chancellor will determine finally whether or not the sale shall be absolutely ratified.

It is not on conviction or belief, that the trustees have acted improperly, that the Chancellor passes this order. It is barely that hereafter there may be no cause for alleging, that the case was not determined on its merits.

This order is directed to be served on one or both of the trustees, and published as early as may be in the Republican Advocate, and in the Fredericktown Herald, and in Grubie's German paper in Hagerstown. Unless published before the end of this month, a further time may be allowed for the decision.

This order having been served and published as required, the matter was again brought before the Court.

HANSON, C., 15th February, 1804.—This day having been appointed to decide on objections made to the sale of the tract of land called Semple's Manor, the Chancellor proceeded to an investigation of the subject. On examination of the papers in the cause, it does not clearly appear who are the parties principally interested in the sale. The decree for the sale was passed by consent, contrary to his expressed opinion, before the claim of the complainant was ascertained; and notwithstanding the Attorney-General had filed interrogatories to be answered by the complainant. He now deeply regrets that he passed the decree before all the equity was settled, notwithstanding those who appeared to be all the parties interested had assented to it. An objection, whether properly made or not the Chancellor does not determine, is put in on the part of the State; and what the interest of the State is cannot immediately be determined. On the whole, the Chancellor conceives that his decision ought to be postponed.

It is thereupon Ordered, that on the first Monday of May next, the Chancellor will finally decide whether or not the sale of the tract of land called