

the bonds or notes given by them for the payment of the purchase money.

Ordered, that no good cause having been shewn against the order of the 17th of March last, the same is hereby confirmed and made absolute. Also ordered, that an attachment issue against the said Samuel Anderson, to enforce obedience to the said order, returnable to the next term.

From this order Anderson having appealed, a transcript of the record was sent up accordingly, and the case was argued before the Court of Appeals by the solicitors of the parties. (*m*)

BY THE COURT OF APPEALS, June Term, 1828.—It appears from the proceedings in this case, that on the sale made by the appellee to the appellant, being reported to the Chancellor, objections to its ratification were filed by the appellant, and answered by the appellee, on full consideration of which the sale was ratified, and that ratification affirmed by this Court; it is, therefore, not competent for the appellant now to contest the propriety or validity of that sale, it having received the sanction of the highest judicial authority of this State. But it has been contended, that as the appellant never was * reported to the Court as the purchaser of the property sold by the appellee, he cannot be compelled **658** to complete the purchase by paying the purchase money. It does not appear, it is true, that the trustee in this case has proceeded according to the usual practice of the Court in making a formal report of his sale; but it appears by the proceedings, that on the 9th of October, 1822, the appellant filed his petition to the Chancellor, in which he stated that he had contracted with the appellee for the purchase of the land in question, supposed to contain one hundred and forty acres, at, and for the sum of \$11 per acre, and by the report of the trustee (the appellee,) was returned the purchaser, and prayed that the sale made and reported might not be confirmed. On the coming in of the answer of the appellee, and the return of depositions, which were taken in pursuance of the Chancellor's order, and upon the return of the locations made by the sheriff of the county, under the same authority, the Chancellor passed an order ratifying and confirming the sale, which order, on appeal, received the sanction of this Court.

It is, therefore, now too late for the appellant to object that he was not reported in the more formal and usual way, to the Court of Chancery, as the purchaser of the property. The trustee, moreover, in answering the petition of the appellant, against the ratification of the sale, refers to, and makes a part of his answer, the

(*m*) This opinion of the Court of Appeals is introduced here, out of chronological order, that it may be placed in juxtaposition to the decision of the Chancellor, to which it relates.