Where, on a decree for a sale of a mortgaged estate to satisfy
217 * the mortgage debt, on the trustee's reporting, that he had been unable to effect a sale; that the estate was unproductive; and that the buildings and fences on it were going to ruin by reason of the estate's being left unoccupied, and unprotected, he was ordered to rent the estate, from year to year, in the best manner he could; and, from the rents, to have the buildings and fences kept in repair, until a sale could be effected. *Mackubin* v. *Hogarth*, *25th October*, 1826, *per* BLAND, *Chancellor*. And, where, after a sale, the proceeds have been collected by the trustee, or have been brought into Court; and are likely, from the nature of the controversy, to remain for some time unproductive, they may be ordered to be invested in some safe stock, or otherwise, so as to be made profitable, pending the litigation, for the benefit of the parties interested. *Barker* v. *Harper, Coop. Rep.* 32; *Smith* v. *Jackson,* 1 *Mad. Rep.* 618; *Spring* v. *South Carolina Insu. Comp.* 6 *Wheat.* 519; *Latimer* v. *Hanson*, 1 *Bland*, 51.

In this case it would obviously be more advantageous to all concerned, that the estate should be so disposed of as to prevent the buildings and fixtures from being injured, or going to ruin; and, that the estate should be made to yield some profit for the maintenance and benefit of these parties.

It is therefore ordered, that the trustee be and he is hereby authorized to lease or rent the property in the proceedings men-

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part of the purchase money; and that he, and his sureties, were then insolvent. Whereupon it was prayed, that the land might be re-sold for the payment of the balance of the purchase money. The defendant, by his answer, said, that he had paid $720; and admitted the truth of the other facts set forth in the bill. Upon which it was, on the 8th of December, 1823, Decreed, that the land be sold, &c.

'After which the trustee by his petition, filed on the 30th of March, 1824, stated, that he had advertised the land for sale as directed by the decree, but could not sell it for want of buyers; and, that there was no prospect of his being able to sell it time enough for the purchaser to make a crop in the then present year; in the meantime the defendant was in possession, and interest was accruing on the claim upon it, and no benefit derived from the land, which was wholly insufficient to pay the amount of the claim. The trustee required to be directed whether he should rent the land for the valuation, that is, $125, &c.

JOHNSON, C., 30th March, 1824.—The trustee is authorized to rent the land, taking such security for the rent as he may judge sufficient. If an offer to purchase at private sale, during the time for which it is rented, should be made, the trustee will communicate the same, if he judges it advantageous.

Under this authority the trustee permitted the defendant to continue in possession at the specified rent; and afterwards sold the land, which sale was finally ratified. After which the trustee reported, that he had received three years rent; upon which he was allowed seven per cent. for his trouble.