

of May, 1846. The bond was dated on the 29th of April, 1846, but was not filed and approved until the 7th of July, following. **HELD—** That, this bond having been *approved by the Chancellor*, as required by the decree, it would be of dangerous consequence to say that the purchaser shall not get the benefit of his purchase, if the bond for any reason is defective.

[This case was heard on exceptions to the sale made by the trustee appointed to sell the lands of James Cunningham, deceased, for payment of his debts. According to the requisitions of the decree under which he acted, the property was first exposed at public sale, on the 8th September, 1846. The bids were rejected by the trustee for insufficiency, but the advertisements in the papers were still continued by him. Inquiries were afterwards made concerning the property of Duff Green, as agent for certain other persons, and the trustee expressed his willingness to receive and consider any propositions from him, but nothing further was heard from him, from that time to the 24th of May, 1847; and it was on the 15th May, 1847, sold to Jacob Markell, at private sale, for \$3000 in cash, which price was deemed advantageous by the trustee, and higher than what was offered at the public sale.

A portion of the lands of the deceased had been, in his lifetime, mortgaged to Henry Wayman and Richard G. Stockett; and he had afterwards also executed a deed of trust to said Wayman, who had refused to execute the trusts in any manner.

The ground taken by the third exception was, that there was alleged to be an outstanding tax title in some purchaser, the validity of which title was doubtful; a legal tender of the taxes, and premium, and costs, had been made by the exceptant, Wayman, to the tax purchaser, so as to entitle him to redeem the lands, which was refused, whereby the title of the purchaser was released, and the land re-invested in the former owners. The exceptant stated his belief, that the trustee, at the time of the sale, was ignorant of this tender and refusal.

The exceptions argued were filed by Wayman, and the grounds upon which they were based will sufficiently appear from the opinion of the Chancellor, who after stating the case said:]