ter of the liens and incumbrances upon it, interposed, and keeping the rival creditors off, sold the property for the general benefit of all, seems to be admitted. It is a power, however, of rather an extraordinary kind, and to be cautiously exerted. The difficulties and embarrassments which surround this estate are not perhaps of such a complicated character as to justify so strong a proceeding; and, besides, here the sale has been made, and no case I presume has gone to the extent of depriving a creditor of the fruits of a sale actually made. It is admitted that the property purchased by Kent sold for less than its actual value. This is to be regretted, but I see nothing in the cause to impute blame to him on that account; and therefore I do not think the sale, for this reason, should be set aside.

Being of opinion, then, that the relief prayed by the petition cannot be granted, it must be dismissed.

[No appeal was taken from this order.]

CLARK AND MANKIN
vs.
ELIZABETH B. ABBOTT
AND
WM. H. V. CRONISE.

SEPTEMBER TERM, 1849.

[PRACTICE—SALES BY TRUSTEES—RENTS OF MORTGAGED PROPERTY.]

A COURT of equity will always ratify and confirm that when done, which, as a matter of course, if previously applied to, it would have ordered to be done.

A decree was passed, authorizing the trustee to sell so much of the mortgaged property as would be necessary to pay the amount then due. The execution of this decree was stayed by injunction, and in the mean time, other installments of the mortgage debt became due. After the injunction was dissolved, the trustee sold so much of the property as would satisfy the amount due at the time of sale. HELD—

That, as the decree must be regarded as standing as a security for the entire mortgage debt, the court, if applied to, would have empowered the trustee to do what he has done, and will, therefore, give its subsequent assent to the act.