

PRACTICE IN CHANCERY—*Continued.*

43. Where judgments at law, upon which executions have issued, and been levied upon lands, are enjoined, after the dissolution of the injunction, nothing more is necessary to authorize the sheriff to sell, than the writs of *venditioni exponas*. The lands are to be regarded as *in custodia legis*, and the death of the defendant in the judgments, after execution had issued and been levied, does not render a *scire facias* necessary against his heirs or tenements. *Boyd & Hance vs. Harris*, 466.
44. The Courts always observe great caution in taking property out of the hands of a sheriff, held by him under execution, and the case of *Alexander vs. Ghiselin*, is the only case in which the sheriff's possession has been disturbed, unless upon some grounds affecting the validity of the judgment, or the regularity of the process, by which the seizure is made. *Ib.*
45. A petition was filed, asking that a sale made by the sheriff, under the executions upon the above mentioned lands should be vacated, and the property resold by a trustee appointed under a decree in a creditor's suit to which the judgment creditor was not a party. But the court refused to grant the relief asked for, and said that it was neither warranted by authority, nor by any established principles of law or equity. *Ib.*
46. A court of equity will, under special circumstances, and when the estate is in danger of being sacrificed, in consequence of clouds upon the title, or conflict and confusion growing out of the number and character of the liens and incumbrances upon it, interpose and keeping rival creditors off, sell the property for the general benefit of all. *Ib.*
47. 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. *Clark vs. Abbot*, 474.
48. 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. *Ib.*

*See* APPEAL, 1 to 3.

ATTORNEY, 2.

COMMISSIONS, 4.

CONTRIBUTION AMONG JOINT OBLIGORS, 5.

CORPORATIONS, 3.

DECREE FOR AN ACCOUNT.

DEMURRER.

DISCOVERY OF TITLE.