

said day of purchase, of the real estate of the said David Barnum, known as 'Belmont,' and as said David's country seat. We hereby bind ourselves and our heirs, on demand, to pay said executors, the said purchase money with interest aforesaid, part of said purchase money being eight thousand dollars of principal, for which George Brown has a mortgage lien on said estate. As witness our hands and seals this twenty-first day of December, in the year eighteen hundred and forty-four.

C. M. RABORG, [Seal.]
C. M. McCLELLAN, [Seal.]

Witness, as to Catharine M. Raborg,
H. C. McCLELLAN.
As to Catharine M. McClellan,
C. R. McCLELLAN."

On the 8th of August, 1845, the defendants appeared to the suit by counsel. And on the 27th of the same month, filed their petition, praying that the interlocutory decree might be rescinded, and leave granted them to file their answer. And at the same time, in pursuance of the provisions of the 5th section of the act of 1832, ch. 302, the defendants filed exceptions to the averments of the bill. "As being insufficient in this: that they do not show whether the mortgage debt to George Brown, is, or is not due, and if due, when it became payable. And they further object, that the said George Brown should have been made a party to said bill, the relief prayed embracing the sale of his interest in the property, for the sale of which a decree is sought to be obtained."

On the above petition, the Chancellor (Bland) on the 4th of October, passed the following order:

"This application having been made before the close of the July term, it is ordered the interlocutory decree of the 28th of July last, be and the same is hereby set aside; and the said defendants are permitted to file their answers as prayed by the foregoing petition." Whereupon, on the same day, the defendants filed their answer, in which they admit that they became the purchasers of the property as stated in the bill, and that the purchase money therefor, is due and unpaid, except the interest on George Brown's mortgage debt, and that it was the purpose of the respondents soon to discharge it. The