

answer also insists, "that proper parties have not been made to the bill, and that respondents are advised that George Brown, whose interest the bill prays, may be decreed to be sold, is a proper party, and that the interest of these respondents may be sacrificed, or impaired by the sale of said property, if decreed to be made, without enabling the trustee to be appointed for that purpose to convey a perfect title thereto to the purchaser thereof," &c.

On the 1st of December, 1845, the complainants filed the following disclaimer: "To obviate all objections suggested in the answer in this cause, because of George Brown not being made a party to this suit; the plaintiffs (protesting that it was unnecessary to make said Brown a party upon the terms of the purchase stated in the bill) hereby beg leave to renounce and disclaim any relief against said Brown, and any decree at all affecting his interest in the real estate in the proceedings mentioned, whether under the mortgage referred to in the bill or otherwise; and the plaintiffs are content to be limited to a decree to sell said real estate for the purchase money, and interest due by the said defendants, subject to all claims and rights, and interests of any kind, of the said George Brown, as aforesaid."

On the 21st of January, 1846, the cause having been submitted without argument on the part of the plaintiffs, and none having been offered on the part of the defendants during the sittings of the term, the Chancellor passed a decree for the sale of the property "to satisfy the claim of purchase money, principal and interest, as in the proceedings specified," and appointed Samuel H. Taggart, Esq., of Baltimore, trustee for that purpose, and directed that he should give, at least, three weeks notice by advertisement in such newspaper or newspapers, as he shall think proper, of the time, place, manner and terms of sale, and that such terms should be "cash on the day of sale," &c. From this decree, the defendants, on the 26th of January, 1846, entered an appeal and filed their appeal bond which was duly approved by the Chancellor, and the appeal granted accordingly; and the 30th of March, 1848, the decree was affirmed by the Court of Appeals.