

These witnesses were produced before the justice, by the purchaser, immediately after the examination of the witnesses on the part of the exceptants, had closed, and in the presence of the counsel on the part of the exceptants, who objected to the examination, on the ground that said purchaser had not given them the three days notice required by the order; and, before the hearing, they filed exceptions to admissibility of these depositions on the same ground. The purchaser also excepted to so much of the deposition of John Brown as speaks of an alleged conversation between the witness and some person described, the same being hearsay, and not competent testimony.

On the 11th of September, 1848, the Chancellor passed the following order upon the petition of the defendants objecting to a ratification of the sale:

"The within petition, objecting to the ratification of the sale made by the trustee in this case, standing ready for hearing, and being submitted, on the part of the trustee and purchaser, the same, with the answer of the trustee, and the depositions and other proceedings, were, by the Chancellor, read and considered; and, it being the opinion of the Chancellor that the objections to the sale have not been sustained by the proof, it is, therefore, ordered that the said petition be, and the same is hereby dismissed, with the costs, to be taxed by the Register."

On the same day, the Chancellor also passed an order, finally ratifying and confirming the sale, "no sufficient cause to the contrary having been shown."

From this latter order, the defendants entered an appeal on the 14th of September, 1848, and on the same day, filed an appeal bond in the penalty of \$5,000, with Eliza A. McClellan, and William M. McClellan as sureties, which, on the same day, was proved by the Chancellor. Two days thereafter, to wit, on the 18th of September, Zenos Barnum, the purchaser, filed his petition, in which he avers that the said sureties, in said bond, were not sufficient for the purpose, not being worth, over and above their debts, the sum of \$5,000, the penalty of said bond, and prays that it may be rejected, and the