

The question, it appears to me is, has the committee given a well secured bond for the faithful administration of his trust? If he has, and he is in other respects a fit person to have the custody of the person and estate of the lunatic, it is not thought that the condition of his private affairs (unless perhaps when it is shown that he has taken the benefit of the insolvent laws) will be regarded as a cause for removal.

It is to be recollected in this case, that no misconduct on the part of the committee is charged, the application resting exclusively upon his insolvency in fact. And it should also be remarked, that though the petition contains a prayer for further relief, the particular relief, and, indeed, the only relief which seems to have been contemplated when the proceeding was instituted, being for a new bond in place of the old one. The application, it is also to be observed, is by the sureties in the bond, who seem in no way connected with the lunatic, and whose only object appears to have been to be exonerated from their responsibility as such sureties. Upon a petition so framed, and by such parties, I do not think I should be justified in removing the committee, and will, therefore, pass an order requiring him to give a new bond within a reasonable time.

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WILLIAM A. HOUSE

vs.

JOHN W. WALKER ET AL.

} SEPTEMBER TERM, 1853.

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[OBJECTION TO CHANCERY SALE—INADEQUACY OF PRICE.]

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MERE inadequacy of price in a chancery sale, unless so gross and inordinate as to furnish, *per se*, evidence of fraud or misconduct on the part of the trustee, is not sufficient cause for setting the sale aside or refusing its ratification.

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[The facts in this case are fully stated in the Chancellor's opinion.]