

the support of herself and child, was, no objection being made, appointed trustee accordingly. (e) And so in other cases where the appointment of a female appeared to be well calculated to promote the interests of all concerned, she has been employed as trustee to carry the decree into effect. (f) Hence it would seem, that although it does not often happen, that females are appointed as the executive trustees of this court, yet they cannot be regarded as incompetent to act as such in any case whatever.

(e) *Dowig v. Marvel*, MS., 16th October, 1789.

(f) *EX PARTE MARGARET BLACK*.—The petition filed 23d February, 1804, sets forth, that the late George Black, by his last will, declared in these words: "I also direct and devise the farm that I bought of William Keating, together with what land I bought of Simon Weeks, lying on the south side of the road leading from Black's Cross Roads to the brick meetinghouse, to be sold, and the money arising therefrom to be applied to the payment of my debts; residue and remainder of my estate, both real and personal, I give and bequeath unto my son James Black, who I do hereby nominate and appoint executor of this my last will and testament, and I do also appoint him guardian to all my children which may not be of age at my decease;"—that James Black qualified as executor and overpaid the personal estate £1122 15s. 2d.; that under an impression that he was, as executor, authorized to sell the land, so directed to be sold, he had accordingly sold it to James Welch; and had received a part of the purchase money. After which, James Black, by his last will had appointed the petitioner his executor, and died; that there was still a considerable balance due to James Black. Prayer, that the Chancellor would ratify what had been done, on the ground, that he might sanction that when done which he might have directed to be done; or that he would authorize a private sale to enable James Welch to become the purchaser so as to affirm and reassure his title, and to have the purchase money applied in discharge of the claim of the late James Black, &c. Upon which the following decree was passed.

4th February, 1804.—*HANSON, Chancellor*.—The said petition with the last will and testament of George Black were, by the Chancellor, read and considered; and provided the facts stated in the said petition be true;—*decreed*, that the real estate of George Black in the petition and will mentioned, as devised to be sold, be sold according to the directions and provisions of the said will; and that Margaret Black, &c. be trustee, &c. &c.; she shall proceed to sell either at public or private sale, and on such terms and conditions as she may deem most advantageous to the estate, &c. &c. "Provided, and it is the true intent and meaning of this decree, that if it shall appear to the trustee, that the sale made by her deceased husband, James Black, to James Welch, was a fair and beneficial sale for the estate, that the trustee shall then confirm and agree to the same, and make report to the Chancellor; and on the Chancellor's ratification and confirmation, and on the payment of the purchase money, the trustee shall by a good and sufficient deed convey to the said James Welch and his heirs, the land he purchased, which deed shall have the same effect as herein before mentioned." (*Ex parte Mary J. Bayard, by her next friend, order 22d March, 1802; and 1818, ch. 198, s. 9.*)

The trustee, Margaret Black, reported her approbation of the sale made to Welch, which on the 28th November, 1805, by an order, was to be ratified *nisi*, &c., publication to be made in the Easton newspaper, "or set up" and continued three weeks at the door of the courthouse of Kent county before the end of December next;" which order was afterwards made absolute.