

trustee, after having given bond, had forborne, at the request of the defendant, to make the sale, he was allowed half commis-

form, that the property in the proceedings mentioned be sold; which was sold accordingly. After which the following remarks and orders were made:

5th December, 1796.—HANSON, *Chancellor.*—It is stated, that Jacob Scheisler contracted for the sale of a parcel of ground in Frederick county, to Christian Baker, for £50 on credit; that the contract was, that a deed be given on Baker's executing a bond for the money; that Baker took possession and died without having executed a bond, or taken a conveyance; but that, before his death Baker paid one year's interest on the said £50, to Scheisler; that after Baker's death his creditors obtained a decree for selling his real estate; that under the decree, the said lot, which had been improved by Baker, was sold with other property, in which Baker had a legal estate in fee; that, since Baker's death, Scheisler has neither received the consideration money, nor conveyed; but that he declares his willingness to convey, on receiving the money, although he will not file his claim in the Chancery Court.

On this statement, it appears unreasonable, that Scheisler will not exhibit his claim to the Chancellor; and that such exhibition would be convenient to all parties, by saving the trouble and expense of a chancery suit, in which Scheisler might probably be compelled to convey on receiving his money. The Chancellor cannot direct money to be paid to Scheisler, unless he exhibits his claim, or is called to answer a bill or petition for conveyance. Upon the whole, the Chancellor thinks proper to declare, that, provided the above statement of facts be full and correct in every particular, it will be advisable for Scheisler to exhibit his claim to avoid inconvenience to himself and the parties interested in the trustee's sale.

Sometime after which the case was again brought before the court.

2d September, 1797.—HANSON, *Chancellor.*—Ordered, that the sale made by Henry Kuhn, trustee of the real estate of Christian Baker deceased, as stated in his report here filed, be absolutely ratified and confirmed, no cause to the contrary, &c. although notice, &c.

Ordered likewise, that of the money arising from the said sale there be applied the sum of £14 13s. 0d., for the costs of this suit as taxed by the register; that out of the said money there be allowed to the trustee, for his whole trouble and expense incurred, or to be incurred, in the discharge of his office, the sum of £36; that there be paid to the following creditors of the said deceased the sums of money set opposite to their names, with interest thereon from August 20th, 1796, to the time of payment.

Conrad Doll	£121 16s. 9d
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(Then follows a list of twenty-three others.)

Ordered, that the said trustee, on the receipt of money from any of the purchasers of the aforesaid real estate, either immediately deposit the same in this court, agreeably to the directions of the decree; or without delay, distribute the same amongst the creditors aforesaid, according to their claims. And the attested written receipt of any of the said creditors shall be admitted in this court instead of so much money directed to be brought in.

Ordered, that the surplus of the money arising from the said sale remaining, after discharging the several sums herein before directed to be paid, shall be subject to the future order of this court.

After which, the vendor, Jacob Scheisler, having presented his claim against the estate of the deceased, the case was again brought before the court.