

Since the order of May 1st, 1811, a bill of revivor has been filed by the complainants, *Hoye* and *Stoddart*, against *Nathan Waters* and *Susanna* his wife, devisees of *Evan Gaither*, whose death is therein stated. The death of *Susanna* has since been suggested on the docket; but her interest is considered as surviving to *Nathan Waters*; and, against him there has been an attachment, with proclamations, which enables the Chancellor to take the bill *pro confesso* against him.

With respect to the sums due, the Chancellor is of opinion, that as there was no decree to account, but only an agreement of the parties to have the sum due stated; the sum of £459 9s. 7½d., charged as interest in the auditor's statement, ought not to be made principal as is usual in other cases.

It is thereupon *Decreed*, that the bill of the complainants, as against *Nathan Waters*, be taken *pro confesso*. It is further *decreed*, that the real estate, stated in the bill to have been conveyed by *Charles Penn*, sen'r, and *Nathan Waters*, by the deeds therein exhibited, be sold; or such part of each as may be necessary for the purposes hereinafter stated; that *John Brewer* of the city of Annapolis be and he is hereby appointed trustee to make sale thereof; and that the course and manner of his proceedings be as follows, to wit: he shall first give bond to the State of Maryland in the penal sum of 10,000 dollars with a surety or sureties to be approved by the Chancellor, conditioned for the faithful discharge of the trust reposed in him by this decree, or any other order or decree in the premises. He shall then proceed to give notice, by advertisement in such newspaper or papers as he may judge proper, for at least three successive weeks, of the manner and terms of sale; which shall be, that the purchaser or purchasers shall give bond with surety, to be approved by the trustee, for the payment of the purchase money, with interest from the day of sale, within twelve months therefrom. The trustee shall then proceed, according to the notice, to make sale of the lands aforesaid at public vendue; or of so much thereof as will raise the sum of £934 10s. 9½d. current money, with interest thereon from the 1st day of May 1802, until paid, and the costs of this suit, and the amount of the commission as far as the same can be estimated. And in determining on the quantity of each part, to be first sold, the trustee shall sell the land held by the heirs of *Penn*, in the first instance, to raise one half of the debt, costs, and commission; and shall sell the land devised to *Nathan Waters*, in the first instance, to raise the other half; as far