

extent admitted, not denied, or established, still, for the benefit of the heirs or devisees, the creditors may be notified to bring in their

trustee aforesaid, effectually convey and secure the said real estate, and the whole right, title and interest in the same, of the said John Burris and James Burris, which hath descended to them as aforesaid, to the purchaser or purchasers thereof, in fee simple. And the said trustee shall, as soon as conveniently may be after the sale aforesaid, make and lodge in this court, under his hand, with an affidavit of the truth thereof annexed, a just and accurate account of the sale, specifying the purchaser or purchasers, the time of sale, and the price or prices at which the said real estate has been sold, and the bonds taken for the purchase money, and specifying the expense of the whole proceeding; and that he shall bring into this court the bonds by him taken on the sale, and the money arising from such sale, to be applied in satisfying the just claims against the said Edward Burris' estate, after deducting all the legal costs of this suit, and a commission hereafter to be allowed. Provided that before any disposition shall be made of the said real estate in pursuance of this decree, by the said trustee, further than giving the notices aforesaid first directed, he shall execute and lodge in this court his bond, with an approved surety or sureties, to the state, in the sum of £300, current money, well and truly to fulfil and perform the trust in him reposed by this decree, or to be reposed by any future decree in the premises, and in all things honestly and truly to observe and execute the same according to the directions and true meaning thereof.

In pursuance of this decree, the trustee executed and filed his bond, which was endorsed thus: 'Wm. Pinkney is well acquainted with the circumstances of Mr. Thomas, and begs leave to inform the Chancellor, that the within bond is ample security for the performance of his trust;' upon which, it was 'approved, A. C. Hanson, ch. 8, Octo. 1792.' After which, on the 17th of October, 1792, the trustee reported that he had, on the 7th of September previous, sold the said estate. Upon which, an order of ratification *nisi* was passed on the 21st of October, 1792, which, as it would seem, was never published as directed.

27th December, 1803.—HANSON, Chancellor.—*Ordered*, that the sale made by Richard S. Thomas, trustee for the sale of the real estate of Edward Burris, be absolutely ratified and confirmed, no cause being shewn, &c. although many years have elapsed. The trustee is allowed a commission of £12 10s. 0d. for his whole trouble and expense.—M. S.

LANSDALE v. CLARKE.—This bill was filed on the 9th of June, 1796, by a mortgagee against the heirs of the mortgagor for a foreclosure or sale, one of the heirs being of full age, and two others being infants.

29th November, 1797.—HANSON, Chancellor.—The papers in this cause being submitted on the idea that it was ready for a decree on the bill and answers, the same were, by the Chancellor, read; and it appears that, although there is a regular answer of the infant defendants Eleanor and Samuel, by their guardian, admitting the facts stated in the bill, there is no regular answer on the part of the other defendants. However, that there may be as little further delay as possible, the Chancellor thinks proper to pass immediately that order which is required by law, before a mortgagee can obtain a decree for a sale against infant defendants, heirs of a mortgagor.

It is thereupon *Ordered*, that in case the aforesaid facts shall be admitted by the answers of all the defendants, or otherwise established to the Chancellor's satisfaction, he will pass a decree for the sale of the mortgaged lands in the bill mentioned, for the payment of the mortgage debt; provided the complainant shall first file with