

Immediately after this, the pleadings were, by mutual consent, amended as suggested, a decree was prepared, and the case was again submitted.

16th March, 1830.—BLAND, Chancellor.—Decreed, that the defendants give credit to the complainant, on account of the judgment in the proceedings mentioned, for the several amounts stated in the paper marked D, as of the dates of the several dividends due to the complainant; and also, with such other dividends as may accrue on the stock before the sale thereof, as herein after decreed. And it is further Decreed, that the shares of stock in the bill mentioned be sold, and that *Somerville Pinkney* be, and he is hereby appointed trustee to make the said sale, &c. He shall then proceed to sell the said shares of stock to the highest bidder for cash, to be paid on the day of sale or ratification thereof by the Chancellor, giving at least ten days notice by advertisement, in one of the newspapers published in the city of Annapolis, of the time, place, manner, and terms of sale, &c. And upon the ratification of said sale and payment of the whole purchase money, and not before, the trustee shall in the usual form transfer to the purchaser or purchasers the shares of stock to him, her, or them sold, &c.

After which the stock was sold as directed, upon which an account was stated by the auditor, which was confirmed on the 3d of June, 1830, leaving a balance of \$3,316 65 still due to the defendants.

DEAKINS' CASE.

The proceedings of a trustee appointed, under the act of assembly, to dispose of property directed by a will to be sold for the payment of debts or other purposes, may be limited and controlled.—In appointing such a trustee, the court does not confer upon him an authority more extensive than that specified in the will.—An order, directing a trustee to suspend further proceedings, operates as an injunction.—Where certain proceedings, apparently distinct, relate to the same estate, and have been linked together by an order, they may be thenceforward proceeded in as one suit.—An *ex parte* petition to appoint a trustee to sell under a will, may be treated as a creditor's suit; and the creditors of the testator notified to file the vouchers of their claims.—On a return *cepi* to an attachment, the sheriff may be ordered to bring in the body.

THIS petition was filed on the 6th of August, 1817, by *Edward Thomas*, in which he states, that the late *William Deakins* had, by his last will, devised his real estate to be sold by his executor