

of the two last instalments with interest, notes or bonds with security, to be approved of by the trustee, shall be given, &c.

Under this decree, the trustee *Foulke* on the 29th of August made a report, in which he says, that 'after having given bond and advertising the terms of the sale in two public papers agreeably to the directions of said decree, a public sale was held on the 23d day of July, when there was no more bid than \$8 per acre, which was not thought sufficient to authorize a sale; and have since sold it on the 28th day of August, 1822, as may be made appear, for \$11 per acre; the land supposed to contain one hundred and forty acres.' Upon which an order was passed on the same day, that the sale be ratified on the 10th of November following, unless cause shewn to the contrary, &c.

Samuel Anderson on the 9th of October, 1822, filed his petition, in which he states, that he contracted with the trustee *Foulke* for the purchase of the land called *Duvall's Delight*, supposed to contain one hundred and forty acres, at the sum of \$11 per acre; and by the trustee's report was returned as the purchaser; that the trustee represented a piece of woodland on the north side of the tract as a part of it; that *Anderson* had since been credibly informed, and believed, that the lines of several neighbouring tracts ran into and took off the greater part of the woodland; that the location of the woodland was the principal inducement to his purchasing the tract; and is material and necessary to the possession and enjoyment of it. Upon which he prayed, that the sale as made and reported might not be ratified.

9th November, 1822.—*JOHNSON, Chancellor.*—The within petition will be heard on the 30th instant; provided a copy thereof, and of this order, be served on the said *Ashur Foulke* before the 16th instant. It is further *Ordered*, that depositions taken before any justice of the peace on three days' notice thereof to the parties, or their solicitors, be read and received as evidence at the hearing.

To this petition of *Anderson's* the trustee *Foulke*, on the 4th of December, 1822, put in his answer, on affirmation, in which he avers, that he never shewed or made any representation to *Anderson* as to the lines of that part of the tract called *Duvall's Delight*, which he had sold to him; that he knew the lines at the time he made the purchase, they having been shewn to him by the sur-