

fourth part of the purchase money to be paid on the day of sale, or on the day of the ratification thereof; and the residue in five equal annual payments to be accounted from the day of sale; the whole purchase money to bear interest from the day of sale, and to be secured by bonds with surety to be approved by the trustee. And the property may be sold entire, or in such parcels as the trustee may deem most advantageous to the parties. If the trustee should not be able to dispose of the same at auction, after having given public notice, as directed by the decree, then he may make sale thereof either at public or private sale, as he may deem most for the interest of all concerned. And it is further *Ordered*, that so much of the decree of the 24th of May last, as is in any manner incompatible with this order, is hereby rescinded.

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After which the trustee reported, that in pursuance of the decree he first advertised the estate called *Ceresville*, in newspapers in Washington, Baltimore, and Fredericktown, for more than three weeks before the 24th of July, 1828; and, on that day, on the premises offered it to the highest bidder, reserving publicly one bid to prevent a sacrifice; and there being no bid beyond forty dollars per acre, which would have been a great sacrifice, the trustee was unable to sell; and now holds the same for disposal in parcels, as may suit purchasers, at private sale.

The trustee also reported the circumstances of the estate for di-

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deceased, one bond due on the 15th day of March, 1809, and one bond due March 15th, 1806, equally to Eliza Gassaway the daughter of John Gassaway, and to the guardian of John Gassaway, Junior; Eliza to take in her own right, and the guardian of John Gassaway, Junior, to take for him. But the Chancellor wishes, and proposes, that the last bond be given up, and instead thereof, there be two bonds given, one for one-half of the sum to Eliza Gassaway, and another for the other half unto the guardian of John Gassaway, Junior.

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It is declared that in case any sale shall be made on credit by direction of the Chancellor under the authority of the act of 1785, ch. 72, s. 9, he may direct any bond taken in consequence of such sale to be assigned to such mortgagee or creditor. It would seem therefore, that the assignment of the bonds here directed could not, in strictness, have been made under the authority of this act of Assembly; but as it has been held, in bankruptcy, that where a distribution is directed to be made, it may be made in kind, as well as in money, so here, an assignment of the bonds, as in this instance, may be entirely within the power of the court, and be regarded as, in many respects, the most beneficial distribution which the devisees or claimants could have. *Hitchcock v. Sedgwick*, 2 Vern. 158; *Spurrier v. Spurrier*, 1 Bland, 475; *Coombs v. Jordan*, post; *Ex parte Boone*, 2 Bland, 321; *McMullin v. Burris*, 2 Bland, 357.