

the mortgage debt, on the trustee's reporting, that he had been unable to effect a sale; that the estate was unproductive; and that the buildings and fences on it were going to ruin by reason of the estate's being left unoccupied, and unprotected, he was ordered to rent the estate, from year to year, in the best manner he could; and, from the rents, to have the buildings and fences kept in repair, until a sale could be effected. (*l*) And, where, after a sale, the proceeds have been collected by the trustee, or have been brought into court; and are likely, from the nature of the controversy, to remain for some time unproductive, they may be ordered to be invested in some safe stock, or otherwise so as to be made profitable, pending the litigation, for the benefit of the parties interested. (*m*)

In this case it would obviously be more advantageous to all concerned, that the estate should be so disposed of as to prevent the buildings and fixtures from being injured, or going to ruin; and, that the estate should be made to yield some profit for the maintenance and benefit of these parties.

It is therefore *Ordered*, that the trustee be and he is hereby authorized to lease or rent the property in the proceedings mentioned in such manner, and upon such terms as he may deem most advantageous; *Provided*, that no part thereof be leased for more than one year, and so from year to year until a sale can be effected according to the terms of the said decree; and subject to the further order of this court. And the trustee is hereby authorized and required to cause to be applied so much of the rents and profits as he may deem proper, to the making of necessary repairs in the buildings and fences.

On the 4th of May, 1829, the trustee reported, that he had advertised the property to be sold at auction; but having received no bid for it, but what was obviously below the value, he then advertised it to be sold at private sale; and for that purpose had caused a lot of land to be laid off forty and a half acres and seven perches, including the mill, mill-house, and ferry, and other buildings appurtenant to the same, with the privileges of water and water-rights, &c.; which he had on the first day of May, 1829,

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(*l*) *Mackubin v. Hogarth*, 25th October, 1826, *per* BLAND, *Chancellor*.—(*m*) *Barker v. Harper*, *Coop. Rep.* 32; *Smith v. Jackson*, 1 *Mad. Rep.* 618; *Spring v. South Carolina Insu. Comp.* 6 *Wheat.* 519; *Latimer v. Hanson*, 1 *Bland*, 51.