

allotted to the widow, claiming to be her agent or tenant; and was then cultivating it in a very injurious and destructive manner; that a certain *Gassaway Simmons*, with the connivance of the trustee, had taken possession of about nineteen acres of the land which he had professed to sell to this petitioner. Whereupon he prayed that the sale to him might not be confirmed.

15th June, 1827.—BLAND, Chancellor.—Ordered, that the matter of this petition be heard on the 13th day of July next; that the parties be authorized to take testimony in relation to the matter thereof, before any justice of the peace on giving three days notice as usual; and that the final ratification of the sale be postponed until that day: *Provided*, that a copy of this order together with a copy of the petition be served on the trustee and the widow on or before the 27th instant.

The widow *Ann Tongue* and the trustee *Garner*, on the 27th of July, 1827, put in their separate answers on oath to the petition of *Welch*, in which they denied specially and particularly the material matters of fact set forth by *Welch*. And the depositions of several witnesses were taken and returned under this order.

*Robert Welch* of *Ben*, by his petition, filed on the 15th of January, 1828, stated, that he had understood, that the trustee *Garner* had lately sold the tract of land of which he, *Welch*, had been, as stated in his former petition, the purchaser, to *John Collinson*; that the trustee had thereby indicated an intention to abandon his defence as set forth in his answer of the 27th of July last. Whereupon the petitioner prayed, that the trustee might be ordered to report, &c.

17th January, 1828.—BLAND, Chancellor.—Ordered, that the trustee *Garner* forthwith make a full report of his proceedings as prayed; and that the matter of the said petition be heard on the 15th of February next; *Provided*, that a copy of this order together with a copy of the said petition be served on the said *Garner* and on *Ann Tongue*, on or before the 1st of February next.

The trustee *Garner*, on the 26th of April, 1828, reported on oath, that since the sale made to *Robert Welch* of *Ben*, and the report thereof, he, the trustee, at the solicitation of *John Collinson*, and with the consent of *Welch*, had agreed to substitute *Collinson* as purchaser for *Welch*, with the approbation of the Chancellor. To this report *Welch* filed his assent, and the matter was submitted.