

Company, mentioned in the proceedings, be sold; and \* that Samuel Moale and Charles F. Mayer be appointed trustees to make the sale, &c. And, in pursuance of the said agreement, it is further decreed, that if the said Robert Oliver shall become the purchaser, he may retain, &c. And the trustees at the time of advertising the said sale, shall also give notice to the creditors of the Cape Sable Company, to exhibit their claims, with the vouchers thereof, in the Chancery office, within six months from the day of sale. **627**

It appears, that the plaintiff Addison Ridout had died some time previous to the passing of this decree; but as his interest survived to the parties before the Court, the case proceeded in the name of Joseph Jubere. But James Jubert, the other trustee, one of the plaintiffs by whom the suit had been hitherto prosecuted by the name of Joseph Jubere, by his petition, now stated, that he never, until lately, heard of his having been constituted a trustee, or of the suit having been instituted in his name; that he had never at any time, or in any way, consented to act as trustee, or to the bringing, or prosecuting of this suit. Whereupon he prayed to be discharged, &c. The solicitors of the plaintiffs assented to the prayer of this petition, and recommended Augustus E. Addison to take his place.

BLAND, C., 29th June, 1828.—On consideration of the foregoing petition and the consent of the complainant's solicitor this day submitted; it is ordered, that the said bill of complaint, as to the said James Jubert, who, as is alleged, had instituted the said suit by the name of Joseph Jubere, be and the same is hereby dismissed with costs. And it is further ordered, that the said Augustus E. Addison be and he is hereby appointed trustee in the place and stead of the said James Jubert, who sued by the name of Joseph Jubere, and that the said Augustus E. Addison be substituted for, and be considered as standing in the place of the said as trustee in the said bill of complaint and all the proceedings of the said suit.

The trustees Moale and Mayer reported, that they had, on the 30th of June, 1828, sold the whole of the real and personal estate of the Cape Sable Company in pursuance of the decree; and that Robert Oliver was the purchaser thereof for the sum of \$24,000, with a reservation of the claim of Philip G. Lechleitner of a lease and the value of certain fixtures to be allowed to him, and \* deducted from the amount of sales. The real estate is **628** described by these trustees in their report, as consisting of several tracts and parts of tracts of land as therein named, containing about one thousand and ten acres, with a right of mines and mine-