

by the decree ; which report may, therefore, be ratified, leaving it hereafter to be determined which of those two highest bidders is to be deemed the actual purchaser.

*Ordered*, that the sale as made and reported by the trustee be absolutely ratified and confirmed, no cause having been shewn to the contrary as allowed by the said order, &c.

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The trustee immediately after represented by his petition, that *Elizabeth Murdock* had not paid the purchase money as stipulated, &c.

22d January, 1829.—BLAND, Chancellor.—*Ordered*, that the said *Elizabeth Murdock* forthwith bring into court the purchase money now due for the property in the proceedings mentioned, together with legal interest thereon, or shew good cause to the contrary, on the 5th day of February next ; provided, that a copy of this order, together with a copy of the foregoing petition be served on her on or before the 26th day of the present month.

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The plaintiff *William Brewer*, by his petition, stating that *Elizabeth Murdock* had failed to pay the purchase money as ordered, prayed that he might be considered as the purchaser of the forty-four acres of land according to the terms of the sale as reported by the trustee ; and that his claim might be set off against the net amount of the purchase money.

9th February, 1828.—BLAND, Chancellor.—It appears that *Elizabeth Murdock* has been served with copies as required, and yet has shewn no cause. It is true that a trustee, or any one acting as such is not allowed, without divesting himself of that character, to purchase at a sale made by himself. But the policy of the

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the trustee not to receive a bid of him before returned as the purchaser. Since the order of exclusion the terms of sale are modified, requiring the purchaser to give security at the time of the sale, to the satisfaction of the trustee, for the payment of the purchase money. And as this change will prevent those from bidding who will not, or cannot give the security, the order therefore passed on the 28th of May last, so far as it relates to Hector Scott's prohibition to bid, be, and the same is hereby rescinded. And to avoid an interposition so as to defeat an effectual sale, it is now *Ordered*, that unless he who is the highest bidder shall comply with the terms of the sale, the person next bidding shall be returned as the purchaser, on his complying with the terms, and so on in succession, until the terms are complied with. As the property has been returned as sold to one person, who found fault with the sale, having had sufficient time to inquire into the title, should he be returned as the purchaser, he must be considered buying the right such as it is, and no future objections will be received on the insufficiency of the title.—M.S.