

who, by the law of this state, are capable of taking as such from the mother. And if the said *Anna G. M. Helms* should survive her husband, *Lewis Helms*, then the whole of the said residuary legacy to vest in her, absolutely free and discharged from the said trust and settlement.

And it is further *Decreed*, that the said petition of *Mordecai L. Flagler*, be, and the same is hereby dismissed with costs, to be taxed by the register.

Under this decree, the case went before the auditor; the parties took testimony, and various proceedings were had. *Helms* and wife expressed their assent to this decree in substance, as it stood; but prayed to have it so modified as to give her a greater control over the property than was allowed to her during her coverture; which the Chancellor refused to grant. After which, *Anna* and her son *Wandelohr*, applied to have a part of the sum directed to be settled on her, invested in real estate in Pennsylvania. In reply to which, the Chancellor said, it was very clear, that no investment could be ordered or allowed to be made beyond the jurisdiction of the court. The case was then referred to a special auditor, who made a report accordingly. After which, *Anna G. M. Helms* made an appointment in nature of a will, as allowed by the decree, and soon after died; so that the case abated. A bill of revivor was filed, which being answered, and the case submitted, a decree was passed on the 22d of June, 1832, by which the principal matters in controversy, were, in accordance with the previous decree, finally determined.

BROWN v. WALLACE.

The auditor having awarded to each claimant a dividend on the whole amount of his claim, including interest up to the day of sale, the report was confirmed, and the proceeds directed to be applied accordingly, with interest on the commission and dividends in proportion as it had been or might be received.—According to the terms of the usual decree for a sale, the purchaser pays interest whether he gets possession or not.—No sale of a party *pendente lite* can affect the title of the purchaser under the decree.—The report of the trustee, when confirmed, is conclusive as to the terms of the sale.—When land is sold by the acre, a survey and measurement, to ascertain the amount, is granted as of course.—In what cases land may be said to be sold by the tract or by the acre.—A purchaser, cannot impeach the sale on the ground, that more had been sold than was necessary.—The