

veyor who was then engaged in running out an adjoining tract ; that *Anderson* voluntarily, without any misrepresentation by the trustee, had executed the written contract under his hand and seal, of which the following is a true copy :

‘Memorandum of a bargain made and concluded upon the 28th day of August, A. D. 1822, between *Ashur Foulke*, trustee appointed to sell the estate of *Stephen Scotton*, deceased, of the one part, and *Samuel Anderson*, of Anne Arundel county, of the other part, witnesseth, that the said *Ashur Foulke* hath sold to the said *Samuel Anderson*, his heirs and assigns, all that tract of land, late the property of said *S. Scotton*, deceased, as aforesaid, supposed to contain one hundred and forty acres, be it more or less, at \$11 per acre, he, the said *Samuel Anderson*, is to pay one-third of the purchase money down, and the remainder in two equal annual instalments, with interest ; for which, notes are to be given, with approved security ; and when paid, the said *Ashur Foulke* is to make and execute a title or deed, to him the said *Samuel Anderson*, his heirs and assigns for ever.’

The time for hearing this matter, with the leave to take testimony, was, by an order of the 26th of November, 1822, extended to the second day of January following. After which, the case was again brought before the court, and on motion,

8th January, 1823.—*JOHNSON, Chancellor*.—Ordered, that the surveyor of Anne Arundel county, lay down any land that may be directed by either of the parties, for the better illustration of the matter in controversy ; and to ascertain the land and the quantity thereof, that was sold by the trustee. And that depositions be taken on the survey, that either of the parties may direct.

Under this order the surveyor laid down the lands as directed, and on the 19th of March, returned a plot and certificate of the surveys he had made ; and the parties having filed sundry depositions taken under the previous order, the matter was brought on for hearing.

17th April, 1823.—*JOHNSON, Chancellor*.—It is alleged by the petitioner, that *Ashur Foulke*, the trustee, under a decree for the sale of the real estate of *Stephen Scotton*, sold to the petitioner, part of a tract of land called *Duvall’s Delight*, supposed to contain one hundred and forty acres, at \$11 per acre ; that at the time of the sale, the trustee represented a piece of woodland, on the north side of the said tract of land, as part of the said tract called Du-