

The original bill was filed by a creditor in behalf of himself and the other creditors of Richard Jordan, deceased, to have his real estate sold for the payment of his debts. That real estate was sold accordingly. Sundry other creditors came in, and established their claims, and a distribution of the proceeds of that sale, so far as was necessary to satisfy all those creditors, has been made among them. The original bill, as to them, has performed its office; and the suit, as to the original plaintiff and all others who became associated with him, for a similar purpose, has been thus brought to a final conclusion.

It appears, however, by the order of the 23d of February, 1822, that although the proceeds of sale were amply sufficient to pay all the creditors; yet, as all the moneys which had been brought into Court, by the trustee, had been applied as directed; it became necessary to authorize the purchaser to pay the last of the claims which had been brought in and established; because of the trustee's being then dead. It being deemed safe and convenient upon that, as on former occasions, to authorize a payment directly from the purchaser to a creditor, or party, or even the assignment to a creditor, or party of the purchaser's bonds, without requiring the proceeds to be collected by and passed through the hands of a trustee in payment. *Spurrier v. Spurrier*, 1 Bland, 475; *Kilty v. Quynn*, ante, 212.

But before the original cause of suit had been thus brought to a conclusion by the payment of all the debts of the intestate Jordan, the trustee having died, and there appearing to be a large amount of the purchase money still remaining unpaid, to be collected and passed over to the then infant, now adult, heirs of the deceased \*debtor; and it also appearing, that the guardian of the  
**295** infant heirs had come in, and asked to have the surplus paid to him; that a large sum had been ordered to be paid to him; and that Booth, the purchaser, was then dead, it became necessary to ascertain the amount of the purchase money then due; and also from whom it was to be collected.

Considering a trustee, appointed to make a sale under a decree, as an officer or agent of the Court, bound by the terms and manner of his appointment, to obey its orders; and to hold himself ready to account at all times and immediately when called on; and holding, on the death of such a trustee, that his responsibility, so far as regards any property which may have come into his hands, in virtue of the trust reposed in him, devolves upon his personal representatives; the Court deemed it to be entirely within the scope of its powers; and also to be most beneficial for all concerned to proceed in a summary way against the administrator of this deceased trustee. *Williamson v. Wilson*, 1 Bland, 435; *Gilb. Excu.* 17. Accordingly, upon an order to shew cause, Henry G. Garner, the administrator of the trustee James Cook, deceased, without