of our Lord, one thousand eight hundred and thirty seven Robert Purviance Junior the trustee aforesaid filed in said cause his answer to the exceptions afore-said in form following to wit: "The answer of Robert Purviance Jun.r trustee in the cause of Morris and Ogenton vs Clapp and Dorsey to the objections filed by John Glenn Esq.r trustee of Michael Dorsey to the ratification of the sale made by said Purviance to Thomas Garwood - This respondent for answer to said objections or to such parts thereof as it is material for him to answer says that the lot by him sold was a front lot with the improvements of a small dwelling house erected upon it, it being the same that is described in the mortgage deed filed in the cause, but this lot had connected with it another lot held by Michael Dorsey under some agreement a contract of lease from the Baltimore Water Company which other lot extended within a few feet of the back steps of the said front house and was absolutely essential to the comfortable enjoy-ment of front house by the tenant said Dorsey having possession of both, but the back lot not being included in the mortgage trustee had no right to sell it, and the same being claimed by Mr. John Boggs under a levy or an actual sale made on a Judgment against said Michael Dorsey trustee has enquired about the date of said levy and sale, but has not been able to obtain the same not knowing the name of the magistrate who rendered the Judgment or the constable who levied the execution and trustee not deeming it proper to refer to Mr. Boggs upon the subject - With regard to the value of the property trustee is not prepared to speak positively he certainly would consider it worth much more than four hun-dred and ninety dollars, but does not think it worth nine hundred dollars the back yard being partially cut off as above mentioned - Something either was mentioned about the title to the property or some impression prevailed among the company that there would be a difficulty - trustee after this long interval of time not recollecting precisely what was said or whence the impres-sion was derived, but it was this impression or the cutting off a part of the yard as above which caused the lot to be sold for less than its intrinsic worth the property is liable for the dower of the wife of Michael Dorsey -

Robt. Purviance, Junr. Trustee."

And thereupon the said John Glenn Trustee as aforesaid of said Michael Dorsey filed in said cause the following petition to wit: "Morris and Ogenton vs Clapp and Dorsey - The petition of John Glenn permanent trustee of Michael Dorsey humbly shews that since the decree obtained in this cause Michael Dorsey has become an insolvent debtor, and your petitioner has been appointed his per-manent trustee and duly given bond as such - That since the decree was rendered in this cause the amount for which the same was rendered has been fully satisfied and paid which fact this petitioner has only ascertained this day - He also states that both Morris and Ogenton are dead - that Ogenton was the surviving partner and that the executors of his last will and testament are Archibald Stirling and Franklin Anderson and that both said complainants died before the sale was made by the Trustee and that both defendants are dead - Your petitioner also states that the property sold was disposed of largely below its value - He therefore prays that the sale reported may not be ratified and that the decree may be entered satisfied and that the executors of said surviving partner may answer the allegations of this petition and he will pray - J. Glenn."

And on the same day came into Court here Ann Clapp Executrix of the said Aaron Clapp, by Josias Pennington Esquire her Solicitor and filed in said cause the following suggestion and copy of Letters Testamentary to wit:

"Morris and Ogenton vs Dorsey and Clapp -

Mr. Clerk suggest the death of defendant Clapp and enter my appearance for Ann Clapp his Executrix whose letters testamentary are herewith filed

J. Pennington, Solr. for Exx."

"Maryland, &c. The State of Maryland to all persons to whom these presents shall come greeting Know ye that the last will and testament of Aaron Clapp, of Baltimore County deceased, hath in due form of law been exhibited proved and recorded in the office of the Register of Wills for Baltimore County a copy of which is to these pre-sents annexed, and administration of all the goods chattels and credits of the deceased is hereby granted and committed unto Ann Clapp, the executrix by the said will ap-pointed - Witness Jas. Garwood, Esquire, Chief Justice of the orphans Court of Balti-more County this 26th day of August in the year of our Lord eighteen hundred and thirty four - Test, D. M. Perine, Register of Wills for Baltimore County."

(Seal)

And on the twenty ninth day of March in the year last aforesaid the Court passed the following order in said cause to wit: "Morris and Ogenton vs Dorsey and Clapp on the Equity side of Baltimore County Court - In the matter of the exceptions to the ratification of the sale reported by the Trustee on the 19th March 1834 - Exceptions filed by John Glenn perm.t trustee of Michael Dorsey set down for hearing on the 23d March 1837, and argued same day - I do not think that either of the exceptions can be sustained, nor that there is anything in the answer of the trustee filed 23d March 1837, nor in the petition of J. Glenn, permanent trustee of M. Dorsey filed same day to interpose any obstacle to the ratification of the sale - The rights of claimants to the fund in Court are a subject to be enquired of before the Auditor and proper par-ties may be made at any time for the purpose of settling those rights - In relation to the fact set forth in the petition of the perm.t trustee of Dorsey that the mortgage debt due to Morris and Ogenton has been fully paid and that the decree ought therefore to be entered satisfied, I am of opinion that if there were an an-swer to that petition admitting that fact it could not avail to prevent a ratification of the sale, because I consider the decree to have passed as well for the benefit of Clapp, the first mortgagee as for that of the complainants looking at the statements to that effect set forth in the bill of complaint and in the answer of Clapp. It is therefore this 29th day of March 1837 ordered by the Court that the said exceptions be and the same are hereby overruled - no order for the final ratifi-cation of the sale can be made at this time because it does not appear from the papers or from any of the proceedings that there has been publication of the order of ratification nisi passed on the 19th March 1834 in a newspaper as thereby prescribed when that is shewn to have been done by the filing of the certificate of the printer in the usual way a final order will be made -

R. B. Magruder."

And afterwards to wit: on the twenty third day of September in the year last aforesaid the said Robert Purviance Junior trustee as aforesaid filed in said cause the following copy of order and certificate of publication to wit: "In Baltimore County Court, sitting as a Court of Equity January Term 1834 - Ordered that the sale made and now reported by Robert Purviance Jun.r trustee heretofore appointed by Baltimore County Court to make sale of certain property mentioned in the proceedings in a cause in the said Court in which Morris and Ogenton were complainants and Michael Dorsey and Aaron Clapp were defendants be ratified and confirmed unless cause to the contrary be shown on or before the eleventh day of April next - Resolved that a copy of this order be published in some newspaper printed in the city of Baltimore at least once a week for three weeks before the said eleventh day of April next - The report states the amount of sale to be have been one hundred and ninety dollars - True copy Test, - Thos. Kell Clk."

"I certify that the annexed order was published in the Baltimore Republi-can once a week for three weeks, commencing on the 20th of March 1834

Saml. Harker."

Which being read and heard the Court passed the following order to wit: "On the Equity side of Baltimore County Court, September Term 1837 - Morris