the January term of the said Court, in the year of our Lord, one thousand, eight hundred and forty two, and on the twenty first day of March, in the same year, and during the term aforesaid, the trustee aforesaid filed in said cause the following report of sale to wit, —
"To the Honorable, the Judges of Baltimore County Court, sitting as a Court of Equity, The report of James M Buchanan, appointed trustee under a decree of this Honorable Court, in the case in which Benjamin Wheeler was complainant, and a certain Richard D Wheeler was Defendant — The trustee respectfully reports to the Court that in pursuance of the said decree, after having filed a bond executed in the manner prescribed by said decree he proceeded to give more than three weeks notice published in several of the daily newspapers as well as in hand bills, of the time place manner and terms of sale — That on the day mentioned, as the day on which the said sale was to take place, in the advertisement aforesaid he attended at the place also therein designated to wit, at Cockeysville, in Baltimore County aforesaid, and there offered the said property for sale on the terms mentioned in the said decree that a certain John S Ensor of John, being the highest bidder for, became the purchaser of the same at and for the sum of one hundred and one dollars, on account of a certain Dorothea Wheeler as he stated at the time of the said purchase, That the said John S Ensor of John has paid the one half of the purchase money and is ready to pay the balance on the ratification of the sale. — James M Buchanan, Trustee. —
State of Maryland Baltimore City Sct, Be it remembered, that on this 21st day of March in the year of our Lord one thousand eight hundred and forty two personally appeared before the subscriber a Justice of the peace of the State of Maryland, in and for the City of Baltimore, James M Buchanan, and made oath on the Holy Evangely of Almighty God that the matters and facts above set forth are true, to the best of his knowledge and belief, and that the sale was fair. — Sworn to before — D. H. M'Donald. —
Which being read and heard the Court passed the following order to wit
"Benjamin Wheeler vs. Richard D Wheeler } In Baltimore County Court, sitting as a Court of Equity. — ordered by the Court this 21st day of March, in the year eighteen hundred and forty two, that the sale made and reported by the trustee appointed in the above case, be ratified and confirmed, unless cause to the contrary be shewn on or before the sixteenth day of April next provided a copy of this order be published in some one of the daily newspapers of the City of Baltimore, at least once a week for three successive weeks previous to the date aforesaid, The report states the amount of sales to be one hundred and one dollars. — R. B. Magruder. —
The said cause so standing was continued until the April terms of the said Court, in the year last aforesaid, and on the sixteenth day of the same month, and during the term aforesaid came into Court here, Charles B. Gorsuch and Mary his wife, by John H. B. Latrobe, Esquire, their

solicitor, and filed in said cause the following exceptions, to wit, —
"To the Honorable the Judges of Baltimore County Court, in equity
Charles B Gorsuch & Mary his wife, said Mary being a devisee under the will of William Wheeler, late of Baltimore County deceased object to the ratification of the sale made by James M Buchanan, Esquire Trustee in the case of Benjamin Wheeler vs Richard D Wheeler, pending in this Court, and ratified nisi on the 21st Mar. 1842 for the following reasons, — The will of William Wheeler, quoted in the bill in said cause, gives to Richard D Wheeler an estate tail general subject to the payment of six hundred and forty dollars, and the bill prayed for the sale of all his interest, but the decree directed his life estate only to be sold, the advertisement calls for the sale of the life estate only, and the life estate only was bought. — The sale of the life estate was wholly insufficient to pay the incumbrance The sale of the remainder, subject to the life estate, would not add to present proceeds enough to discharge the incumbrance The sale of the entire interest of Richard D Wheeler, in two parts would defeat the rights of those interested in the incumbrance and the only result would be to give the purchasers the property at a sacrifice, If the persons interested in the incumbrance are entitled to look to the property for it, on the failure of Richard Wheeler to pay it, they have a right to ask that the property be sold so as to produce the amount of the incumbrance which it is ample to do, if properly sold — These exceptors not being parties to the bill could not object then and can only vail themselves of this opportunity to except to the sale, They pray that the property may be ordered to be sold so as to dispose of the entire interest of Richard Wheeler therein & present sale be vacated — They append a copy of the advertisement of the trustee. —
Jno. H. B. Latrobe for Exceptors. —
Which advertisement is as follows to wit — "Trustees Sale, In pursuance of a decree of Baltimore County Court, sitting as a Court of Equity, the undersigned as Trustee, will offer for sale, at public auction, on Friday the 8th day of October next at 2 o'clock P. M. at Starrs Tavern 14 miles from Baltimore, on the York Turnpike road the life estate of Richard D Wheeler, in and to the lands devised to him by his father, William Wheeler as by the will of the said William Wheeler, now on record in the Orphans Court of Baltimore County, will appear, This property is about 18 miles from the City of Baltimore, on the road leading from the York Turnpike to Bonds Blacksmiths shop, adjoining lands of Mordecai Matthews and Daniel Bosley, and contains one hundred and twelve acres of land, more or less, The improvements consist of a comfortable dwelling, barn stables &c, Terms of sale, as prescribed by the decree one half of the purchase money to be paid in cash on the day of sale and the balance in six months with interest. —
James M Buchanan, Trustee, September 16th 1841
Annexed to which exceptions is the following consent, to wit, —
"The Trustee having read the above, consents to such order as the