

which the court was then dealing; they could not, thus uninvited, thrust their own individual interests into a cause which was under the direction of the court for the benefit of others as well as themselves. Therefore, in this view of the subject, the instrument of the 29th of April, 1812, must be deemed entirely foreign from the matter under consideration. (i)

If, on the other hand, *Brown* takes his stand as a purchaser from the court, then, on recurring to the decree and trustee's report, it will be seen that the decree covers the whole subject, and that the trustee has confined himself strictly within the limits of the decree. The bill had stated that two of the heirs of the late *William Mitchell* were minors, and they had answered as such; the trustee had again incidentally reminded the Chancellor that one of them at least was then a minor, in that part of his report in which he speaks of their desire to have all the land sold. After this, it seems strange to object that the Chancellor had ratified the sale under a mistaken impression that all those heirs were of full age; on the contrary, it is manifest that, from beginning to end, the Chancellor was perfectly aware that he was dealing with the property of infants. There could have been no mistake in this particular. It is said that the instrument of the 29th of April, 1812, induced the court to sanction the sale of the whole, which it otherwise would not have done. But the court had previously decreed the sale of the whole, or 'such part of the property in the proceedings mentioned as may be sufficient to pay the sums due from *William Mitchell* to the heirs of *James Mitchell*,' excepting Cooley's Fishery; and no more having been sold than was thus authorized by the decree, the ratification of the sale certainly could not be objected to on that account. It has long been the course of the court to ratify sales at once, with the consent of all concerned; and the instrument of the 29th of April, 1812, in reference to that practice, merely indicated that there would be no opposition to a ratification from those parties. But it is the habit of this court, for convenience, to carry to market property which, in a subsequent part of the cause, perhaps, it would have been unnecessary to sell; looking at its own powers of setting right the interests of all parties as among each other. The court often directs real estate to be sold before it can know the real situation of the personal estate. (j)

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(i) *Weems v. Brewer*, 2 H. & G. 397.—(j) *Holme v. Stanley*, 8 Ves. 1; *Lloyd v. Johns*, 9 Ves. 65; *Hammond v. Hammond*, ante 359.