

1849. dispose of the entire estate, upon such terms, and through the medium of such agents, as he may think right?

Crooks
v.
Crooks.

These transactions divide themselves into two branches, which admit in some degree of different considerations. As to the sales in August, 1842, the conduct of the plaintiff and his solicitor admits of the palliation, that the parties seem to have considered them necessary to meet the plaintiff's costs, which would in the ordinary course be ordered to be paid from the estate. That consideration cannot render those dealings less objectionable in their nature—cannot give them any validity. Yet, one sees that gentlemen not very conversant with the doctrines of equity, might be led into such a course of conduct without any improper motive. As to the next deed—I profess myself entirely, unable to suggest any reason upon which that instrument can have been regarded as a proper deed for the plaintiff to execute. How the plaintiff, having obtained such a decree, can have felt himself at liberty to execute such a

Judgment.

deed with such trusts, I am unable to comprehend; and why the first incumbrancer, the present petitioner, should have been excluded from all benefit, I am the less able to explain. It has, however, one redeeming feature, I am happy to be enabled to state, that nothing has been done under it.

As to the remaining sales, extending over so great a space of time, and producing such considerable amounts, without the knowledge of either court or creditors, while the cause has been lingering from year to year in the master's office, I can only say that such a course of conduct, if tolerated, would seem to me utterly to preclude the possibility of administering this sort of jurisdiction in the court. So forcibly did this view of the case strike me during the argument, that I felt the greatest difficulty in bringing my mind to the conclusion that this court could sanction any of these proceedings, having regard to the due administration of justice, and the general interest of the suitors of the court. Upon reflection, however, I have thought that we are not at liberty to refuse these creditors, who have been already so long delayed, such assistance as we may be able to afford. And in analogy to that class of cases, in which the court

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