

30th. Because the Master's report of the sale was not confirmed by the Court or shown to have been confirmed.

2 Exch. 108 ; Sugden on Vender and Purchaser, 101, 102, 58.

6 House of Lords, 572 ; Dan. 1274, 1281.

2 Sch. & Lef., 566 ; 9 Ves., 37 ; 12 Ves., 89 ; 2 Eq. Rep., 108.

31st. Because the decree of sale was allowed without any proof of any of the allegations of the Bill, though the plaintiff here was then an infant.

Dan. Ch. Pr., 170, 839, 852, 326 ; 11 Ves. 240.

32nd. Because the McMinn cause was proceeded with after the plaintiff's guardian left the Province, without the appointment of another, and without any copy of the amended Bill being served upon the plaintiff here, then a defendant, or upon her guardian.

10

33rd. Because the order or decree to sell the property was granted before the hearing of the cause.

Dan. Ch. Pr., 1264, 1343.

9 Ves., 65 ; 33 Beav., 525 ; 17 Beav. 582 ; 21 Beav., 559.

34th. Because the Chancery Court was abolished before any final decree or hearing of the cause, and none of the proceedings were of any force or effect.

35th. Because the Master having acted under an order granted the 28th of December, 1841, directing an inquiry respecting several matters therein mentioned without his instituting any inquiry or taking evidence to inform himself on such matters, but relied and acted upon the *ex parte* statements of the complainant, which were untrue, false and fraudulent, and so reported without calling the infant or her guardian before him or such guardian being present ; and the proceedings being manifestly unjust in these and many other respects, palpable on the face of the papers, and it appearing on the papers in the foreclosure suit referred to in the McMinn suit that Maria McMinn the said infant and now plaintiff in this suit was a devisee and entitled as the only child of the marriage of McMinn referred to in his will, and was not so described or proceeded against in the McMinn suit ; but the fact of her being such devisee concealed all through the proceedings, and for the reason also of the other manifold irregularities, errors and void proceedings in the McMinn suit evident to any one reading the papers, and it being also evident that Mrs. McMinn the purchaser purchased in her own suit where she sued as administratrix with the will annexed, and it being also evident by the papers that no final decree had ever been pronounced, and it being also palpable that the Court had no jurisdiction and that the proceedings were open to all the objections herein taken, the commissioners who purchased from her purchased with their eyes open to all these facts or closed to them from their own negligence, they nor the defendants cannot therefore shield or protect themselves under such a purchase, though none of such proceedings were actually void.

20

30

36th. Because the complainant in the suit was allowed to name the guardian for Maria McMinn, then a mere infant of the age of three years, and such person having, as the complainant well knew, an adverse interest, his wife Ann Kean being entitled to

40