

stitution.—A marriage between then living parties, although held to be a contract, may be annulled.—An act giving authority to mortgage the real estate of a deceased person for the payment of his debts, may bind his heirs and devisees who applied for it, but it cannot affect the rights of his creditors.

Although bond and simple contract creditors, as such, have no lien on the real estate of their debtor, yet no alienation of the heir or devisee to their prejudice, after a creditor's suit has been commenced, can be sustained.—Several suits, the objects of which are to have the same estate applied in satisfaction of the same set of creditors, may be consolidated.

THIS bill was filed on the 22d of January, 1824, by *Edward Campbell, Randolph Campbell, James Cunningham*, and *Catherine* his wife, against *John McHenry*. It states, that *William Campbell*, the father of these plaintiffs, *Edward, Randolph*, and *Catherine*, being seized and possessed of a large real and personal estate, on the 8th of September, 1821, made his will, by which he gave the whole of his property to the plaintiff, *Edward*, and the defendant, in trust, as follows :

‘All my lands in Baltimore county to be sold for the payment of my debts ; and if the proceeds thereof, together with the debts due me should not be sufficient to discharge the same, then my square in Fredericktown, my Tontine shares, and my ten Potomac shares to be sold for that purpose, or so much thereof as may be necessary : and if there should still be a deficiency, then as much of my property in the city of Washington as may be necessary to supply that deficiency. My debts being paid, then the residue of my property to be held for the use of my children, *viz. Catherine Cunningham, Charles Campbell, Randolph Campbell*, and *Edward Campbell*, in the manner and proportions following.’ The testator then goes on to specify the portions which each one was to have ; and declares, that it shall be held in trust for the use of each one during his or her life, and afterwards to be equally divided among his or her children. And then the testator appoints the plaintiff *Edward*, and the defendant, to be his executors.

The bill further states, that *William Campbell* soon after having thus made his will died, leaving the four children therein named, one of whom, *Charles*, was then and still continued to be *non compos mentis* ; that the executors qualified as such, and undertook to act as trustees according to the trusts reposed in them by the will ; that the testator, at the time of his death, was largely indebted to sundry persons, which debts yet remain unpaid ; that the plaintiff *Edward*, as trustee, sold one part of the lands in Baltimore county to *Warner Warfield*, and another part of the same tract to *James*