and the filing of his Judgment is employed in this proceeding instead of an execution and therefore takes the place of and performs the Office of that process. If Courts of Equity had not adopted this practice of allowing Judgments to be paid out of funds in the hands of their Trustees Judgment creditors would be forced to make their claims by way of attachment and then under the Judgment of condemnation the act of Exemption would apply The Judgment creditor here seeks to obtain in Equity what he might have obtained by resorting to proceedings at law and here I can see no good reason why the principal adopted by Courts of Equity in regard to Statutes of Limitations should not also apply in construing the Statutes of Exemption. Chancery follows the law and in acting in Obedience to the Statute the plea of Limitations is as available in Equity as at law in relation to the same subject matter 14 Md. 7 - In Dugan et al vs Billings et al. 3. Gill 161. the learned Judge says "in such cases courts of Equity do not act so much in analogy to the Statute as in Obedience to it they apply the Statute as it would have been applied at law" All however I mean to deduce from this consideration is that it is impossible in a case like this where there was ample remedy at law that the change of forum should produce a change in the rights of the parties" I therefore think that applying the same principle the Statute of Exemption should be applied in Equity as at law that the claim of $100. should be allowed - The balance of the trust fund must be applied to the Judgment of Wm. E Mercer assignee of Henry Lowry - The report A. of the Auditor must therefore be rejected and the report of B ratified and confirmed as it has distributed funds in accordance with the Views of the Court as Expressed in this Opinion

It is therefore this 31st day of January A D 1878. ordered adjudged and decreed that the report "A." of the Auditor filed in this case be and the same is hereby rejected and it is further ordered adjudged and decreed that the Report of B." of the Auditor filed in this cause be and the same is hereby ratified and confirmed and the trust funds as audited in said "Report B." be paid out by the Mortgagee & trustee.

Filed Feby. 1. 1878.

John A Lynch
Judge of the Cir. Court

Bill of Complaint

Jane Long and
John D Keller
vs
Ann Elizabeth Keller
Mary E Keller et al

No. 4282 Equity

In the Circuit Court for Frederick County.

To the Honorable the Judges of the Circuit Court for Frederick County as a Court of Equity.