

petitioners further state, that the plaintiff Randolph Campbell, was then dead intestate, and without issue; that Charles Campbell still continued to be of unsound mind, and was then in the hospital in Philadelphia, without hope of recovery; and the petitioner Catherine, *as the devisee, who, by the will of her father, was to take on his behalf and after him, considered this petition filed as well on his behalf as her own; that these petitioners had, in pursuance of the intention of the testator, been put into possession of the real and personal estate devised in trust for their use; and that the creditors were so pressing, that the petitioners were apprehensive that the estate in their hands might be taken from them; and that they might thus be left without the means of support. Upon which they prayed, that a trustee might be appointed as authorized by the Act of Assembly, &c. **216**

With this petition the trustee Donaldson filed his affidavit, in which he states, that he had advertised two public sales of the estate; and had only been able to effect a sale of the two lots in Washington as before reported by him; that he believed no sales could now be effected, except at ruinous sacrifices; and that by the statement of the auditor there were debts due to the amount of \$50,860.65, which, he understood, might have been reduced \$8,000 or \$10,000 by payments which had been made.

BLAND, C., 12th December, 1827.—Decreed, that John I. Donaldson be and he is hereby appointed trustee with full power and authority to mortgage the real estate of which the said William Campbell died seized, or any part thereof to such person or persons and for such sum or sums, and on such terms and conditions as he may deem most advantageous to all persons interested in the estate; provided, that the said trustee before he proceeds to the execution of his trust, shall give bond with surety in the penalty of fifty thousand dollars, &c.

James Cunningham and Catherine his wife, two of the plaintiffs in this case, by their petition to the Chancellor, set forth, that Charles Campbell, of Frederick County, had been for some years, and then was in a state of great mental weakness and unsoundness of mind; rendering him incapable of managing himself or his property; that he never had been married; and that the petitioner Catherine his sister, and Edward Campbell his brother, were his

said William Campbell. Provided, That the trustee or trustees, so appointed, before he, she, or they proceed to the execution of the trust, shall execute a bond to the State of Maryland, with such security as the Chancellor shall require, conditioned for the performance of said trust, and for the faithful application of the sum or sums of money which may be received from the mortgage of said estate, to the payment of the debts due by the said William Campbell previous to his decease.—1825, ch. 135.