

the state of facts alleged, it would not be necessary for the purchasers to see to the application of the purchase money; credit being given to the trustees, and they being known to be alone looked to for the payment of the judgments by the proceeds of sale." And the court go on to say, that a defence, founded upon the circumstances stated, could only be made available in a court of equity upon the ground of fraud.

[Passing over the judgments of Lynch and Craft—the Court of Appeals having decided in their favor—the Chancellor continued:]

The attention of the court is now confined to the judgments which have been assigned to, and marked for the use of Margaret A. Mason, short copies of which are to be found in the complainant's exhibit C, filed with his bill; and the question is, whether these judgment creditors, the parties who assigned to her, did assent to the deed of trust to Price and Yost, and by their conduct induce the complainant and others to become purchasers of the lands bound by the judgments, and to believe that they would look to the trustees for the payment of their claims, and not to the liens created by them?

In other words, that these judgment creditors, knowing and assenting to the terms of the deed, were willing to abandon wholly their liens on the lands conveyed by it, and to look exclusively to the trustees; and by their conduct, indicative of such willingness, the complainant and others were induced to purchase.

This, the Court of Appeals say, would constitute an equitable defence against the judgments; as to permit them to be enforced under such circumstances would be to tolerate the perpetration of a fraud against the purchasers. Upon the bill which made this case, the complainant displayed an equity which entitled him to an injunction, which could only be dissolved by positive contradictory averments in the answer; and as the answer of John Thompson Mason was founded upon hearsay, and not personal knowledge, it was not regarded as sufficient to remove the complainant's equity; though, resting upon information derived from others, it contained denials of