

all the creditors would come into the arrangement. And the circumstance that a portion of the creditors did not so assent, is evidence that the purchasers bought upon their faith in the ability of the trustees to assure them good titles, without the assent of the judgment creditors. For it is not to be supposed, if they required the assent of some, that they would have been satisfied with anything short of the assent of all; and the assent of all they certainly did not procure. With regard especially to the complainant, there is, independently of inferential reasoning, strong grounds for supposing that his confidence in Mr. Yost, one of the trustees, induced him to rely exclusively upon his, Yost's, judgment, in regard to the title; and that he was not acting upon impressions founded upon the acts of the judgment creditors.

It has been already remarked, that the principal purchase made by the complainant was only a few months after the date of the deed, and, therefore, with respect to that purchase, no inference in support of it can be made from delay, or from suspension of proceedings on the part of the creditors; though it is expressly stated by the Court of Appeals, that the rights of the creditors would not be prejudiced by such suspension, if they always looked to their judgments, and not to the deed of trust, for satisfaction; and the evidence of Mr. Gordon is explicit, that the bank never was asked to agree to the provisions of the deed, nor never gave him authority to do so, and that he always looked to the payment of the judgments in the order of their priority, and as liens on the property.

I am, therefore, of opinion, that with regard to the judgments to which Mrs. Mason has acquired title from the Bank of Baltimore, the complainant has not succeeded in establishing the facts which, according to the opinion of the Court of Appeals, would entitle him to relief against them by injunction.

The next inquiry relates to the judgments at suit of Henry Tiffany, and William Tiffany and others, which were also assigned to Mrs. Mason.

It appears, that on the 8th of July, 1840, receipts were given