

dead, it was, by bill of revivor and supplement, against his heirs and his personal representative Mackall Harris—Kent not being made a party—converted into a creditor's suit.

Alexander Harris died in 1847, and in September term, 1848, Mackall Harris, his acting executor, filed his bill against the heirs at law of the deceased, for a settlement of the estate of the deceased, and also for a sale of his real estate to pay his debts, in case the personalty should prove insufficient for that purpose. This last case, by an agreement to which Kent was not a party, was consolidated with the case of Boyd and Hance against Harris and others; and, on the 9th of January, 1849, a decree was passed, in both cases consolidated, for a sale of the real estate of said Harris, deceased, to pay his debts.

It further appeared from the papers in the case of Alexander Harris and others, against James Kent, administrator d. b. n. of Levin W. Ballard, deceased, which were agreed to be read at the hearing of this case, that previous to the death of said Harris, to wit, in the year 1841, Kent recovered judgment on the bonds given as above mentioned by Harris to Ballard to secure the payment of the purchase money due by him, and also on a promissory note alleged to have been given also by Harris, for the same purpose, but which, he contended, was given to take up one of said bonds, although in consequence of Ballard's death the bond was never delivered to him. That, in 1845, Harris filed his bill in the equity side of Calvert County Court, in which those judgments were rendered, praying and obtaining upon the grounds therein stated, an injunction to stay execution upon those judgments; which injunction, the case being transferred to this court, was, in October, 1848, dissolved as to all of the judgments, except the one rendered upon the promissory note. Kent, thereupon, proceeded to sell a portion of the land of said Harris, to satisfy said judgments, and through his agent became a purchaser thereof himself, at a price greatly below its value.

On the second of November, 1849, Merrill and others, judgment creditors of Alexander Harris, deceased, filed their petition in this court, praying that the sales to Kent might be an-