

last notes, a part have been retired by said Jones, but of which, the greater part are yet outstanding and unpaid.

And it was admitted that these notes of Hancock and Mann, indorsed by Dawson and Norwood, were indorsed and negotiated, under the provisions of the said mortgages, or of some one of them.

The notes thus taken by Jones, the first of which was dated on the 12th of December, 1845, and the last on the 26th of June, 1846, amounted to \$105,447 02, in addition to which, there were acceptances of drafts, drawn by Hancock and Mann, indorsed by Dawson and Norwood, and some other notes, included in the list filed with the agreement.

It also appeared that Jones suspended payment in, or about the month of July, 1846, and on or about the 26th of October following, assigned his property and effects to the defendants, Winn and Ross, in trust for his creditors; and afterwards, in the year 1847, he applied for, and obtained the benefit of the insolvent laws, when the same parties were appointed, and gave bond as his permanent trustees.

Several questions of interest and novelty are presented by the proceedings in this case, and these have undergone a very careful and full examination by counsel at the bar.

The object of the bill, as we have seen, is to subject the property embraced in the mortgages, to the payment of the obligations intended to be secured by them, and the material question relates to the rights of the several classes of creditors, as they may be adjudged to be entitled to come in under the one or the other of the instruments.

The complainants insist that the mortgage of the 31st of July, 1845, not having been recorded within the time allowed by law, is a void security with respect to them and other creditors, protected by the subsequent instruments; and that all the notes held by Winn and Ross, as trustees of Jones, which were made and issued, prior to the execution of the deed of the 11th of April, 1846, are to be excluded from the provisions of that deed, which was only designed for the security of notes and bills, subsequently issued. According to the view of the complain-