

a sale of the mortgaged property for the payment of the mortgage debt, upon the ground that no part of the same had been paid according to the terms of the mortgage : it was **HELD**—

That if G. might rely upon the laches of the petitioners to protect himself from their claim to make him answerable for the default of S., his co-trustee, these defendants may claim exemption from loss, upon the same ground, with equal, if not more, reason, when an attempt is made to compel them to pay a debt a second time which they have once honestly paid.

As a general rule, trustees have all equal power, interest and authority, and cannot act separately as executors may, but must join in any sale, lease or other disposition of the trust property, and also in receipts for money payable to them in respect of their office.

Trustees are in general responsible only for their own acts, and not for the acts of each other, unless they have made some agreement, by which they have engaged to be bound for each other, or have by their own voluntary co-operation, or for their convenience, enabled some of them to violate the trust.

Property in the hands of a *bona fide* purchaser, from executors, who have power to sell, will be protected by compelling the executors, if they have assets to pay the claims against it.

[The bill in this case was filed on the equity side of Baltimore County Court, on the 28th of April, 1848, and alleges, that by an order passed in the High Court of Chancery, upon a certain agreement, made on the 22d of July, 1836, in a cause in said court, between Joseph McKim, plaintiff, and Joseph M. McKim and others, defendants, John Scott and John Glenn were appointed trustees for receiving and investing certain moneys belonging to the estate of Samuel McKim, deceased, with the purpose and intent, that they should pay over the same into the said court, with all interest and profits which might have accrued thereon, when the rights of the several parties who claimed an interest therein, should be finally determined ; that the right to receive said sum of money, was afterwards determined to belong to the complainants, Joseph McKim, James Guest and Mary his wife, Charles F. Mayer, trustee for William A. McKim, Alexander McKim and Jane Hutchinson, and also to T. Parkin Scott as trustee for Margaret Fisher, and to John Scott as administrator of Joseph M. McKim ; that said T. Parkin Scott, afterwards ceased to act in, and was released from, his trusteeship, as aforesaid, and no new trustee was appointed in his place, but the interest of said Margaret Fisher,