

alone, was no exoneration thereof. But the court refrained from intimating any opinion upon the question, the parties interested in the mortgaged premises not being before them. These parties are now here, upon this bill, and the question is, and it is certainly a very interesting one, whether the mortgaged property is liable to be sold for the payment of the debt, notwithstanding it has been once paid.

The general doctrine does not appear to admit of dispute, that trustees have all equal power, interest, and authority, and cannot act separately, as executors may, but must join, both in conveyances and receipts. For one trustee cannot sell without the other, or make a claim to receive more of the consideration money. As a general rule, says *Hill on Trustees*, 305, "trustees cannot act separately, but they must all 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." And the cases, so far as I have been referred to them, are uniform in maintaining this as a general rule. They are referred to in the passage quoted from *Hill*, and in *2d Story's Eq.*, section 1280, in the notes. As trustees, then, are in general required to join in receipts of money and conveyances, or other dispositions of the trust estate, they are only responsible 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 they have, by their own voluntary co-operation, or connivance, enabled some one or more of them to violate the trust. In the case of *Glenn vs. McKim*, in *3 Gill*, 366, the Court of Appeals, in commenting upon the cases in which trustees have been held responsible for the acts of each other, because of co-operation, or connivance, or remaining passive, and declining to act, when aware of an abuse of the trust by one of them, excused and exonerated Mr. Glenn, on account of the misapplication of the trust fund by Scott, because there was no charge or proof of such co-operation, connivance, or knowledge of abuse on his part, as could make him responsible. The Chancellor held Glenn liable, because, in his opinion, by the act of the court, founded upon the