

And the same view of the subject is plainly announced by the Court of Appeals, in the case of *Hayden vs. Burch et al.*, 9 *Gill*, 79. I am, therefore, of opinion, that the insolvency of the personal estate constitutes in this Court no objection to bringing the advancement in question into hotchpot, with the real estate or the proceeds of the latter now to be distributed.

[The next opinion was delivered upon the petition of George F. Maddox, as trustee of Heloise Smith, filed on the 25th of February, 1851. This petition alleges that George H. Smith, having antecedently used a large amount of his wife's property, on the 27th of January, 1849, conveyed to Neale and Lockett, of Baltimore, certain personal property, by way of mortgage, to secure a debt of \$3,336, due by him to them, upon consideration that after payment of their debt, they should hold and retain, or convey to such person or persons as the said Heloise might, by writing, appoint, to and for her sole, separate, and exclusive use, as will appear by reference to said mortgage, filed as Exhibit A. That in consideration of making this mortgage and conditions therein contained, the said Heloise and her husband, on the same day, mortgaged to Neale and Lockett the interest of said Heloise in the estate of Notley Young, her deceased father, as a conditional security for their said debt, as appears from Exhibit B, said mortgage. That Neale and Lockett have filed Exhibit B in this cause, and the Auditor has allowed them the amount of said debt out of said Heloise's share of the estate of said Young, as appears by the Auditor's account. That notwithstanding said allowance, by which Neale and Lockett will receive full satisfaction of their debt from said interest of said Heloise, they afterwards sold the property mortgaged to them in Exhibit A, the holding or conveying of which to the appointee of said Heloise, was the only consideration upon which she executed Exhibit B. That by deed, duly executed, the said Heloise appointed George C. Morgan and the petitioner her trustees, to hold and receive all the property, real and personal, she might have or be entitled to; and that said Morgan has refused to act as one of