

*Brown* was appointed the trustee to make the sale upon the terms, that the purchaser should pay one-fifth of the purchase money on the day of sale, and give bond with approved surety for paying the residue in four equal annual instalments with interest from the day of sale. In virtue of this decree the whole was sold at four different times. The last of which sales was made on the 25th of August 1809; and all of them were finally ratified. It does not appear, from any thing to be found among the proceedings, that any part of the purchase money, or any bond of any one of the purchasers, except that of *Lewis Duvall*, was ever brought into court by this trustee *Brown*; who died some short time previous to the 15th of June 1815. It appears, that the trust reposed in *Basil Brown* having been left by him unfinished at the time of his death, *Thomas H. Bowie* was, on the 15th of June 1815, appointed to complete the trust; who also having died before it was finally closed, *Israel Davidson* was, on the 5th of October 1825, appointed as his successor for that purpose.

After the death of *Basil Brown*, *Richard Mackubin*, on behalf of himself and the other creditors of *Brown*, on the 12th of June, 1816, filed this bill here, in which he alleges, that *Brown* had died intestate without leaving a sufficiency of personal estate to pay his debts; and thereupon prayed, that his real estate might be sold for that purpose. The heirs of *Brown*, some of whom were infants, were alone made parties; and, on the coming in of their answers, admitting the insufficiency of the personalty, a decree was passed, on the 28th of June, 1816, appointing *Matthias Hammond*, who was one of the administrators of *Basil Brown*, to make sale of his real estate for the payment of his debts; and upon the death of *Matthias*, *Rezin Hammond* was appointed trustee to complete the trust, and a part of the real estate of *Basil* was accordingly sold. Public notice was given as usual to the creditors of the late *Basil Brown*, to bring in their claims, and the time limited for them to do so had long elapsed.

On the 5th of July, 1826, *Eli Marriott* and *Cornelius Shipley* and *Sarah* his wife, filed their petition in this case, in which, after setting out those circumstances, they state, that *Eli* and *Sarah* are the children of *Mary Marriott*, the sister of the late *William Hammond*, and, as such, legatees under his will; that the shares to which they were entitled, were adjusted and awarded to them in that case; that *Basil Brown*, who as trustee made sale of the late *William Hammond's* estate, received the purchase money, but had