

In England, where a debt is secured by specialty, by which the debtor binds himself and his heirs for the payment of the debt,

---

vit by law required, for enabling the said Merriken to support an action at law on the said bond, in his own name.

*Ex parte, TONGUE.*—This petition, filed on the 1st of February, 1794, states, that the late Richard Cowman died seized of certain real estate, a part of which he directed to be sold for the payment of his debts; and appointed his executors Ann Cowman, Thomas Tongue, and Joseph Cowman, with power to sell, &c.; that Ann Cowman is dead; and that a sale is necessary to pay the debts of the deceased. Whereupon it was prayed that a trustee be appointed to make sale, &c.

10th July, 1794.—HANSON, *Chancellor.*—On the said petition, and the last will and testament of Richard Cowman, therewith exhibited, it is *Decreed*, that the petitioners, Thomas Tongue and Joseph Cowman, be, and they are hereby appointed trustees for selling the lands of the said Richard Cowman, which, by the said last will and testament, the executors are authorized to sell; and that they, or the survivor of them, in case of the death of either, have full authority to sell such part of the said lands as they shall think necessary; and that the manner and course, &c. (in the usual form, concluding thus) And the said trustees or trustee, at the time of giving notice of the sale, shall give the like notice to the creditors of the said Richard Cowman, to exhibit their claims, with the vouchers thereof, to the Chancellor, within three months from the time fixed by the said trustees or trustee for the first sale.

---

After which, a sale was made, reported, and ratified accordingly.

*Ex parte, BERRY.*—On the fourteenth of May, 1796, Jeremiah Berry filed his petition to have a trustee appointed to sell the real estate of the late Benjamin Berry, according to the provisions of his will. A decree was passed accordingly, on the same day, appointing Edward Nicholls trustee for that purpose; who, after having sold a part of the estate, left this state, went to England, and had not returned. Whereupon, the purchaser, John S. Brooke, by his petition, prayed that another trustee might be appointed to convey the land to him, &c.

14th May, 1803.—HANSON, *Chancellor.*—The Chancellor has considered the petition of John Smith Brooke, this day filed; and it appears to him, that, if the facts therein stated, be true, justice requires that the prayer of the petition ought to be granted, by appointing a trustee in the room of the trustee who hath gone out of the jurisdiction of this court. Relief, indeed, might perhaps be obtained on Brooke's filing a bill against the heirs of Benjamin Berry, stating every thing which hath taken place under and since the decree; but it appears to the Chancellor notwithstanding, that the appointment of another trustee not being injurious to any party whatever, unless to the absent trustee, who ought, long since, to have completed his trust ought to be made; the Chancellor being authorized to appoint a trustee or trustees.

It is *Decreed*, that Alexander C. Magruder be, and he is hereby appointed trustee, with full power to do any act which, by the decree in this cause, the said Edward Nicholls is authorized to perform, and which he hath not performed; and particularly, that the said Magruder, on the said Brooke's paying to him the purchase money, with interest, of the land of Benjamin Berry, to the said Brooke, by the said Nicholls sold, or producing to him to be here filed, receipts in writing for the said purchase money, with interest, from the parties entitled, by the order of this court, to receive the said money when here brought in, shall, by a good deed, ac-