

It is thereupon *Decreed*, that so much of the real estate in the proceedings mentioned, whereof *William Deakins* died seized, lying and being in the state of Maryland, as may be necessary, be sold for the payment of the debt in the proceedings mentioned. That *B. S. Pigman* be, and he is hereby appointed trustee to make the said sale, &c. which shall be on a credit of twelve months, with interest from the day of sale; the purchaser to give bond with approved surety, &c.

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On the 18th of January, 1818, *John Hoye*, as administrator *de bonis non*, with the will annexed of the late *William Deakins*, filed his bill in this court against *Edward Thomas*, in which bill *Hoye* states that the defendant *Thomas* had recovered judgment against him as administrator for a large amount; in satisfaction of which judgment, the defendant *Thomas* had agreed to take lands in Virginia; but that he had since refused to comply with the agreement on his part, by selecting and accepting the lands as stipulated; which agreement this plaintiff was then, and had always been ready to perform on his part. Whereupon, the bill prayed for a specific performance of the agreement, and for general relief.

*B. S. Pigman* having declined to act as trustee under the decree, the matter was brought before the court.

7th April, 1818.—KILTY, Chancellor.—Ordered, that *John A. T. Kilgour* be, and he is hereby appointed trustee in the room of the said *Pigman*, to give bond in the same penalty, and to have the same powers as if appointed by the original decree.

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On the 26th of April, 1819, *John Threlkeld*, and *Elizabeth* his wife, filed their bill against the trustee *John A. T. Kilgour*. The bill alleges that *Jane Deakins*, the devisee of the late *William Deakins*, was dead, leaving this plaintiff *Elizabeth* her sole devisee and heir at law; that the trustee *Kilgour* had advertised for sale some of the lands which had been devised to the late *Jane*, and which were then held by these plaintiffs, to satisfy the debt alleged to be due to the petitioner *Edward Thomas*; that these plaintiffs were unable to say any thing about his claim; but they presumed that if the petitioner had filed his bill of complaint against the heirs and devisees of the late *William Deakins* the plea of limitations would have been a bar to an application for a sale of the real estate for payment of debts. Whereupon the bill prayed for a *subpœna*, and also for an injunction to prohibit the trustee *Kilgour* from pro-