

CHAPTER 280.

CHAP. 280.

*An act for the benefit of William G. Penn.*Passed March
9, 1843.

WHEREAS it has been represented [to the General As- Preamble.
sembly of Maryland that under a decree of the Court of
Chancery in a case in which John Hoyer and others were
complainants, and William G. Penn and others were de-
fendants, it was on the twenty-ninth of January eighteen
hundred and twenty-three ordered by the Chancellor, that
the report of the auditor assigning certain portions of the
residue of the nett proceeds of the lands sold in the said
cause to certain grantees of Charles Penn, senior, be con-
firmed, and that the trustee should pay away the same ac-
cordingly; that afterwards William G. Penn, a purchaser
of part of the said estate, paid to the said grantees the
portions thus awarded to them; that after said payment, a
petition was filed in said cause by the complainants, alledg-
ing that other portions of said estate which by a previous
order of the court had been charged with one half of the
complainant's debt, had been re-sold at a loss, and for a
sum not sufficient to pay the half thus charged upon it, and
asking that the said residue so ordered to be distributed as
aforesaid, should be applied to make up the deficiency,
which petition was dismissed by the Chancellor on the
twenty-eighth of February eighteen hundred and twenty-
five; that from the said order of dismissal, the said com-
plainants appealed; that between the passage of the order
of the twenty-ninth of January eighteen hundred and twenty
three, and the filing of the said petition, William G. Penn
who had so purchased a part of the said estate, and paid
to the said grantees their respective shares, according to
the auditor's report and the order thereon, had also obtain-
ed for the trustee, a release from the said grantees, and filed
the releases and receipts; that when the record was sent up
to the Court of Appeals the said receipts and releases were
not included therein, and the question raised by the said
Penn's proceedings was not presented to the said court so
as to enable them to determine how far he was justified in,
and entitled to a credit for said payments under the said
order; that the Court of Appeals reversed the order of the
Chancellor passed on the twenty-eighth of February
eighteen hundred and twenty-five, at the June term eight-
teen hundred and twenty-eight, deciding that the creditors
were entitled to have their claims satisfied out of any mo-
ney now in the hands of the trustee, or which may come
into his hands, and remanding the said cause to the Court of
Chancery without determining, and for the defect of the