

of the questions which might arise under the deed of trust, or grow out of the subsequent application of said Delaplaine for the benefit of the insolvent laws. A decree for an account was obtained in this case, with which said Maulsby complied; after which a bill was filed in this court by certain of the unpreferred creditors of the insolvent, to have the deed of trust set aside for fraud, and for an account by said Maulsby. The defendants in this case having filed their answer, the question as to the jurisdiction of this court was presented to the Chancellor, who delivered the following opinion: ]

THE CHANCELLOR :

Of the jurisdiction of Frederick County Court as a court of equity over the subject of this trust, it is supposed no serious doubt can be entertained; but even if this was questionable, the appearance of the defendants to the bill filed there, and their submitting to answer it, would be a waiver of any objection upon that ground. *Carroll vs. Lee*, 3 G. & J., 504.

The bill filed in the Frederick court was a creditors' bill, and submitted to the court their rights, as they might exist under the deed, or be affected by the proceedings in insolvency of the grantor; and the order of the court referring the case to the Auditor, contains a reservation of equities, that such subsequent proceedings might be adopted, according as the creditors might prefer to claim under, or against the deed.

The bill filed in this court assails the deed of March, 1844, as fraudulent in fact, and under our insolvent system; and proposes to set aside the sales made by the trustee Maulsby; to have the property sold by a trustee to be appointed by this court; and asks for an account.

But Maulsby has been already called upon to account for this same trust in a court of co-ordinate jurisdiction; which court has directed its proper officer to state the necessary accounts, and to bring before it the parties who may be interested. If the creditors, when they come in, are dissatisfied with the conduct of the trustee, either in disposing of the trust estate, or in any other respect, they may in that court take such steps as