

*Hood*, and had received a payment, in part, from *Warfield*, to whom he had delivered possession; but that *Warfield* had refused to pay any more, and *Hood* had refused to pay any thing, although they were both of them able and willing to comply with the terms of their bargain, until they could obtain a good title by a joint conveyance from the trustees, the plaintiff *Edward* and the defendant; that some of the creditors of the testator had sued and obtained judgments against his executors, and others were pressing for payment; and that the testator's personal estate was wholly insufficient to pay his debts. Whereupon the plaintiffs prayed that the sales made by the trustee *Edward*, might be affirmed, and that the defendant might be ordered to join in making sales, without delay, to satisfy the claims against the estate, so as to relieve so much of it as had been devised to their use from that incumbrance.

The defendant put in his answer, in which he admitted that he had been appointed a trustee as stated, and that the plaintiff *Edward*, had contracted for the sale of the lands in Baltimore county as set forth; but that the defendant had heard, that he had not applied so much of the purchase money as he had received from *Warfield* to the satisfaction of his testator's debts; and that the proposed sale to *Hood*, was for less than what the defendant conceived to be a fair price, and was also of such a part of the land as would make the residue very unsaleable; and, therefore, this defendant had withheld his assent to the proposed sales.

7th October, 1825.—BLAND, *Chancellor*.—This case standing ready for hearing, and having been submitted, the proceedings were read and considered.

Whereupon it is *Decreed*, that for the payment of the debts, and the execution of the trusts as specified in the last will and testament of the said late *William Campbell*, the said *John McHenry* and *Edward Campbell*, the trustees named and appointed by the said testator, forthwith proceed to make sale of the property and estate of the testator, according to the directions of his last will and testament, in such manner, and upon such terms as they may deem most advantageous to all parties concerned therein. And if the sale of all the lands of the testator lying in Baltimore county should not produce a sufficient amount, together with the debts due to him, to satisfy all the debts due by the testator, that then the trustees, for that purpose, forthwith proceed to make sale of the square in Fredericktown, the Tontine shares, and the ten Potomac shares, as specified in the testament of the deceased, or so much thereof as