

ceive the same; and in case of no such nomination by will, then, to her legal representatives, the sum of five hundred dollars; and the rest, residue and remainder of the estate (of the testatrix) not by her will otherwise disposed of, to be divided into two equal parts, one-half whereof she gave and devised to the children of her brother, William Jackson, their heirs, &c., forever; and the other half to the children of her sister, Elizabeth Thompson, their heirs, &c., forever." And she appointed the said Charles A. Williamson her sole executor, who duly qualified as such.

Upon the bill of Charles A. Williamson, as executor of Mary Ann Jones, which was filed against the parties claiming under the mortgagor, Susan Ann Leduc, a decree passed on the 17th of October, for the sale of the mortgaged premises; and a sale, by the trustee appointed for the purpose, was duly made, reported to, and ratified by the court; and by the report of the Auditor, (not yet confirmed,) the net proceeds of this sale are assigned to the said Williamson, as executor, in payment of the mortgage debt, leaving a balance still due thereon.

In this state of the proceedings, a petition was filed on the 30th of May, 1850, by Miller and Mayhew, stating that on the 1st of February, 1849, the complainant, Charles A. Williamson, executor and devisee of Mary Ann Jones, assigned to them the mortgage claim and the proceeds of the sale, as security for the payment of four promissory notes, drawn by Williamson, Sutton & Co., in favor of the petitioners, amounting to \$5632 77; and praying for an order directing the trustee to pay them their claim out of the proceeds of the sale: and with this petition there was exhibited a paper, by which the said Williamson, for the purpose of securing the said four notes, or any other note or notes, which may be given in renewal thereof, assigned and transferred to the petitioners this mortgage claim, stated in the assignment to be due him, and then in the hands of his attorney for collection, with a direction that his said attorney pay said notes out of the amount he may collect under the mortgage. This assignment Williamson signed as executor and devisee of Mary Jones.