

The propriety of the allowance of these two credits constituted the main ground of the defence, made by the defendant, as their allowance would render the complainant indebted to him to a small amount.

The complainant excepted to this answer, as not being responsive to the allegations in the bill, as to the sum for which the slaves were sold, as to the alleged disposition of other portions of the mortgaged personalty, the deposit of the proceeds of sale in the said bank ; the continuance of a residue of the same on deposit there ; the intention of selling other portions of the mortgaged property besides the negroes ; and the courtesy interest. These exceptions having been argued, together with the motion to dissolve the injunctions, the Chancellor delivered the following opinion :]

THE CHANCELLOR :

With regard to the last of these credits, (the set-off claimed,) it is sufficient to say, that if the voucher upon which it is claimed, can hereafter be used as the evidence of a title to reimbursement from any one, it can certainly not be set off against the claim of this complainant founded upon his mortgage. If the defendant Stewart, has, in respect of this transaction, a claim against any party, it is against the estate of Thomas R. Cross, upon which letters of administration were granted to him and the complainant. Surely, the complainant, Brown, cannot, out of his own estate, be made to pay the debt of a man upon whose estate he has administered, to his co-administrator, in a proceeding like the present. If he, the complainant, be liable exclusively for the payment of this debt, it is a liability in his representative character, and cannot be set off against a debt due him in his own right. With respect to the remaining credit, claimed by this defendant, independently of the other objections insisted upon in the argument, I deem the settlement and the sealed acknowledgment of the 21st December, 1843, as conclusive against it, in the present state of this case. If the defendant, Stewart, was entitled to this credit, he was so entitled prior to, and at the date of the