

the firm of *George Austin & Co.*, against *Deborah Cochran, William S. Cochran, Thomas L. Emory, and William G. McClure*. The bill states, that a partnership in trade had existed and been carried on between the late *William Cochran* and the late *John G. Comegys*, in the city of Baltimore, under the firm of *William Cochran & Comegys*; which firm had, in the course of their dealings, become largely indebted to the plaintiffs; which debt then remained due and unpaid; that *William Cochran* died leaving a considerable real and personal estate, which, by his will, he devised to his wife the defendant *Deborah*, and to his infant son the defendant *William S. Cochran*; and appointed *Deborah, John G. Comegys, and Samuel Hollingsworth*, his executors; that *Deborah and Comegys* had qualified as his executors, and *Hollingsworth* had refused to accept the appointment; that *John G. Comegys*, the surviving partner, had taken into his possession all the estate and effects of the firm; and after some time died, having by his will appointed the defendants *Emory and McClure* his executors, who qualified accordingly as such; that the property and estate of the firm which passed into the hands of the surviving partner *Comegys*, were entirely or nearly absorbed by other claims against it; and that the personal estate of the late *William Cochran* was insufficient to pay his debts. Whereupon it was prayed, that the real estate of the late *William Cochran* might be sold for the satisfaction of his creditors.

On the 11th of November, 1820, the defendants *Emory and McClure* put in their answer, in which they admit the claim of the plaintiffs, and the deficiency of the effects of the firm of *William Cochran & Comegys*, to satisfy the claims against it. The death of *Deborah Cochran* was suggested, and *Thomas L. Emory* was admitted as a defendant in her stead. After which two other creditors filed their petition praying to be allowed to come in as plaintiffs; and, on the 8th of May, 1826, they were permitted to be made parties as prayed. On the 9th of May, 1826, the defendant *Emory*, as administrator *de bonis non* of *William Cochran*, answered, and admitted the claim of the plaintiffs. And, on the same day, the infant defendant *William S. Cochran* put in his answer, by his guardian *ad litem*, in which he admits the claim of the plaintiffs, and assents to the sale of the real estate of his ancestor and devisor.

The parties filed an agreement on the 10th of May, 1826, in which they say, 'It is agreed, that a decree shall pass in this cause