

Case No. 5,790. GREENWAT V. ROBERTS ET AL.
[2 Cranch, C. C. 246.]¹

Circuit Court, District of Columbia.

May Term, 1821.

EXECUTORS AND ADMINISTRATORS—REAL ESTATE—DUTY OF PURCHASER
TO SEE TO APPLICATION OF PURCHASE MONEY.

A purchaser under a power given by will to the executor to sell real estate for payment of debts, is not bound to see that the purchase-money is properly distributed among the creditors of the testator.

Bill in equity. William Bushby, by his will devised as follows: "It is my desire that, for the discharge of whatever debts I may owe, that my wife shall sell any part or parts of my real estate to pay and satisfy the same, or to make use of for any purposes which she may judge to be profitable to herself and children." The defendant, [Jonathan] Roberts, purchased a part of the real estate under this power to the executrix; and the plaintiff [Greenway's administrator], contended that the defendant, Roberts, was bound to see that the purchase-money was properly distributed among the creditors, especially as to debts due by judgment.

But THE COURT (THRUSTON, Circuit Judge, absent) decided that he was not so bound. Bill dismissed as to the defendant, Roberts.

¹ [Reported by Hon. William Cranch, chief Judge.]