

SAUNDERS v. MASON.

[5 Cranch, C. C. 470.]¹

Circuit Court, D. Virginia.

Oct. Term, 1838.

MORTGAGES—DEED OF TRUST—PAYMENT—NO
ONE COMPETENT TO
RECEIVE—RECONVEYANCE.

If there is no person in existence competent to receive payment of the debt, to secure which property has been conveyed in trust, the court will, after a lapse of sixteen years, decree a conveyance by the trustee to the heirs of the debtor.

Bill in equity by the heirs of Peter Saunders, stating that their ancestor conveyed a real estate to the defendant, Thomson F. Mason, in trust to secure a debt due by him to the Franklin Bank, whose charter expired sixteen years ago, and there has not since been any person competent to receive payment of the debt; and praying that the property may be conveyed to plaintiffs.

The facts were admitted by the defendant, the trustee.

Mr. Semmes, for plaintiffs, cited Cruise, tit. 12, Trust, c. 1.

THE COURT (MORSELL, Circuit Judge, absent,) decreed a conveyance, according to the prayer of the bill.

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