

Francis R A Johnson your petitioners filed their Bill of Complaint in this court, being numbered 2423 Equity in this court; as by reference to the said bill and the proceedings therein will more fully appear, in and by which bill of complaint they aver and charge that the deed of assignment and conveyance from said Francis to Thomas Johnson one of the parties to this cause of his share and interest in the real estate devised by Richard Johnson deceased, a copy whereof is already filed in this cause, marked (Ex A) and under which the said Thomas Johnson claims in this cause, all the right interest and estate so devised to said Francis, is fraudulent and void as against the said petitioners and other creditors of said Francis inasmuch as the said deed was not made upon a valuable and bona fide consideration, but with intent to defraud, hinder and delay your petitioners and other creditors of their just rights; and they exhibit with their said bill the note which evidences the debt due them as aforesaid, and they pray that the said deed of assignment may be vacated & annulled as to the creditors of said Francis, and that inasmuch as the petition in the present cause is already filed for a sale of the whole of said real estate for the purposes of division among the several parties entitled under said will of Richard Johnson deceased, they pray that said sale may be proceeded with, and their said bill and proceedings under the same may be so far incorporated with the present cause that they and the other creditors of said Francis may be let in to have satisfaction of their just debts out of the proceeds of so much of said lands and the sales thereof as is embraced or covered by said fraudulent and void assignment. - Your petitioners further state that they have already issued a second attachment of contempt in their said cause against the said Thomas Johnson for the purpose of compelling an answer to the several charges & allegations of said bill, but that as yet the said Thomas has obstinately refused to answer the same, all of which will appear by reference to said proceedings and inasmuch as the said Thomas Johnson is also the Trustee in this cause, and has sold some of the real estate so devised and fraudulently conveyed to him as is alleged, and your petitioners are apprehensive that he designs to have the same audited and allowed to him by this court under said assignment and paid to him so as to elude the just claims & demands of your petitioners and seek to evade their demands they have been constrained to file this their petition and to pray of this court to restrain and prohibit an audit and allowance of the said share of proceeds of sale claimed by said Thomas Johnson under said fraudulent assignment until such time as the claims of your petitioners shall have been passed upon and the said Thomas shall have fully answered on his corporal oath the several allegations charges and interrogations to him preferred in and by said bill of complaint and until your the rights of your petitioners & other creditors to participate in a distribution of said fund are fully settled; and further that that this court will order the said Thomas as the Trustee in this cause actually to bring into this court the said disputed share of the proceeds of sales already made as well as of all other sales he may make as trustee as aforesaid to be retained under the control of this court until the ascertainment of the rights of your petitioners

W^m M Merrick

Solicitor.

Ordered by Court upon consideration of the foregoing petition that the said Thomas Johnson Trustee, actually bring into this court and pay over to the Clerk thereof within ten days from the date of this order the amount of the share of the proceeds of sales by him made & reported to this court and which is claimed by him under the assignment from Francis R A Johnson referred to in the proceedings in this cause and that the said share and proportion be excepted from distribution by the Auditor in stating an account among the parties in this cause and be retained to await the adjustment