

of January in the year eighteen hundred and twelve, which sum, it appears by the admitted and incontrovertible facts in this case, he had received from the said Marcus Heyland previous to the fourteenth day of September, in the year eighteen hundred and eleven, for the use of said Heyland's creditors, as specified in the proceedings in this case; and which the said Hugh Thompson ought, within a reasonable time thereafter, to have paid to the said creditors: Provided a copy of this order be served on the said Thompson, on or before the twenty-fifth day of the present month. And it is further ordered, that the said sum of money, with the interest thereon, when so brought into Court, be deposited in the Farmers Bank of Maryland to the credit of this case, subject to further order.

The defendant Thompson, having been advised, that he was not entitled to an appeal from this order, without any previous application to the Chancellor to be allowed to appeal, on the 17th of February, 1825, presented a petition to the Senate, praying that the General Assembly of Maryland would pass a special Act allowing him the benefit of an appeal; and the plaintiffs on the next day presented a counter petition to the Senate, which were both together referred to a committee, who on the 23d of February, 1825, made the following report:

"The committee to whom was referred the petition of Hugh Thompson, and the counter petition of John McKim, Jun'r, Thomas L. Emory, and others, report—That they have considered the * subject referred to them with the attention which the large **169** pecuniary amount, and the importance of the principles involved in its considerations demand. The petitioner has been proceeded against in Chancery by the counter petitioners and others, as a trustee, holding funds which, by the principles of equity, as it is said, he is bound to distribute to sundry creditors of a certain Marcus Heyland. The defendant denies the trust alleged, and claims the amount in his hands as due to himself. The Chancellor, by an interlocutory order, has decided, that certain papers filed as exhibits in the cause, prove the trust to exist as alleged, and has directed the fund, amounting to about \$70,000, to be brought into Court. The petitioner alleges, that the interlocutory order is wholly a manifest violation of the principles of Chancery law, in ordering money to be deposited into Court by a defendant, claiming title to it, and more especially in adopting such an order as a means of coercion, by which to compel a defendant to a final decision of his cause, without the proof which his counsel may think proper and necessary; but is also injurious to him in the highest degree, without any corresponding benefit to the adverse party whose interest, it is said, will be promoted by allowing the defendant to give such security as will ensure the prompt payment of the money,