

arising from such investment, in like manner to be invested. An annual report of the trustee is directed to be made to the Court stating the amount invested, and the dividends arising therefrom, as well as the appropriations he shall have made of the dividends.

On the first of April, 1824, some of the devisees filed a petition, praying that the trustee might be ordered to account for stock purchased; or, if none had been purchased, that he might be charged with interest, and that another account might be stated making a distribution without charging him interest. Upon which it was ordered, that the accounts be stated by the auditor as prayed.

BLAND, C., 17th March, 1825.—Ordered, that Nicholas Brewer, trustee, on or before the second day of April next, bring into Court the money in his hands arising from the sales of property sold by him, and the securities which remain uncollected, as also interest from the 1st January, 1822, on the amount acknowledged by his report to have been received, or shew cause to the contrary; provided a copy of this order be served on the said trustee on or before the twentieth instant.

The auditor, in his report of the 2d of July, 1825, says, “In obedience to the Court’s order of 24th July, 1820, he has made, of the claims exhibited against the estate of the said Charles Wallace, deceased, the statements marked A A, as of the day of the trustee’s last sales, and they amount, as appears for debts, to \$8,897.12, and for legacies to \$2,900.21. The claims for debts are not established as the Act of ’98, and the practice of the Court require. Nor have such proceedings thereon been taken as to enable the Chancellor regularly to allow them, if they were sufficiently vouched. Yet, one of them (No. 1,) being a judgment against the deceased in his life-time, and of course a lien on the estate, he thinks it should, at least, be entertained *until the right of the claimant shall, on notice, have been decided. In execution of the **54** Court’s order passed upon the petition of Wallace’s devisees, filed 1st April, 1824, he has stated the trustee’s account with the estate, marked B, applying the proceeds thereof to the payment of his allowances for commission and expenses, and of the costs in this Court, and distributing the balance among the deceased’s residuary devisees, assuming thus, that the personal estate is sufficient for the payment of debts and legacies, nothing being shewn to the contrary. And he has stated too, the trustee’s account C, for so much of the proceeds as he has received; charging him therewith, and at his request, with the amount also of sales made to his son N. Brewer, Jun’r, then crediting his said allowances for commis-
 &c. and the sum he paid into Court on the 6th of April last; and so shewing a balance of \$673.77 cents in his hands yet to be