

accounted for. At the foot of that account he has charged the trustee with interest also, from 1st January, 1822, as directed; and this makes the balance in his hands to be \$1,393.22, bearing further interest from 6th April, 1825.

On the 14th of July, 1825, Nicholas Brewer, the trustee, filed his report, on oath, shewing cause in obedience to the order of the 17th of March, 1825, in which report he says, "That by the decree, under which he acted, it became his duty to sell the property decreed to be sold, to take bond with sufficient sureties for the purchase money, to bring the bonds so taken, and the purchase money when received into Court, or to apply it under the Chancellor's direction to those entitled to receive it, and he humbly conceives, that the Chancellor had no power to order him to invest the money when received and the accruing dividends compelling him to undergo labor and encounter risks not contemplated by his original appointment, nor intended to be compensated by his commission, nor does he believe, that the Chancellor had any power to order the investment of the proceeds of the sale of the real estate at all.

"Notwithstanding, the trustee further states, that in obedience to the said order he did endeavor to procure stock of the Farmers Bank of Maryland, but was not successful; and the stock of the Government of the United States was, at the date of the order, and ever since has been, above par, and would not have secured to the claimants six per cent. interest on their claims, which appeared to be the object of the petitioners. And the trustee, residing in Annapolis, could not have obtained it, even at the then value, without the employment of brokers, or other agents, at the expense of commission to them, and involving risk to himself by their possible infidelity.

55 * "The trustee further represents, that he has made no interest from the funds in his hands, nor derived any pecuniary advantage from them, but has always been ready to bring them into Court when required by the Chancellor to do so, and should have brought the whole into Court under the Chancellor's order of the 17th March last, but that the auditor's statement, ascertaining the exact amount to be brought in, had not been made, and he is ready to bring in the residue.

"The trustee further states, that the only dispute, that he knows of, which rendered it doubtful whether the heirs or devisees of said Wallace or his creditors should receive the said funds, was a suit in this Court by Charles W. Hanson, executor of Wallace, against John Murray, executor of John Muir, to which the trustee refers, in which the auditor's report was made on the 4th of July, 1821, and was understood to be acquiesced in, and the decree passed on the 23d of February, 1824; and which case the trustee was in daily expectation of being decided a considerable time before; and he