

Court had told him should remain no longer idle, but be made productive in the manner pointed out; and, not having done so, he is clearly chargeable with interest.

Whereupon it is ordered, that Nicholas Brewer, the said trustee, forthwith bring into this Court the sum of \$1,393.22, as stated by the account marked C, as part of the auditor's report returned on the 6th of July last, together with interest on the said sum of money from the 6th day of April last.

Some time after which, the case was again brought before the Court, by a motion of the solicitor of the representatives of the late Charles Wallace, the petition of Sarah H. Smith, and others, filed on the 18th August, 1825, having been dismissed.

BLAND, C., 30th March, 1826.—Ordered, that the auditor's statement of the 2d July, 1825, be ratified and confirmed; and that the trustee apply the proceeds accordingly, with a due proportion of interest, that has been or may be received, towards the payment of such of the said claims as may remain due and unpaid after the payment of the sum now in bank; for the payment of \* which  
**57** to the said claimant's solicitor, the register is hereby directed to draw a check.

The trustee, Brewer, appealed from the order of the 29th of August, 1825; and under the name of the case of *Nicholas Brewer, v. Charles W. Hanson*, and others, on the 2d of July, 1828, the order was affirmed.

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### STRIKE'S CASE.

CREDITORS' SUIT TO VACATE DEEDS.—MESNE PROFITS.—COMPENSATION FOR IMPROVEMENTS.—PARTIES TO CREDITORS' SUIT.—PROOF OF CLAIMS.—LIMITATIONS.—CHANCERY PRACTICE.

On a bill by a creditor, on its being shewd, that certain conveyances, by the debtor defendant to the other defendant, were executed for the purpose of defrauding the creditors of the debtor defendant, and without *bona fide* consideration; they were by decree declared to be void, as against the complainant, and the property ordered to be sold. (a)

It was *held*, that, by such a decree, the plaintiff's claim must be taken to have been established; that the property directed to be sold was to be dealt with in that suit as if those annulled deeds had never existed; that the proceeds of sale must be brought into Court; and that a reservation of "all equities as to the distribution of the proceeds of sale, are

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(a) As to creditors' suits generally, see *Hammond v. Hammond*, 2 Bland, 316.