

The trustees declined to pay over the money, except upon the order of the Court, and submitted whether this undivided residue should be paid to the complainant or to the creditors who had not assented to the deeds. The Chancellor, when the cause was first submitted to him, on the 12th of April, 1850, made the following remarks.]

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THE CHANCELLOR :

Assuming the validity of the deeds of trust exhibited with the bill, I am of opinion that the sum now remaining in the hands of the trustees, is, in the language of Exhibit A, "subject to the order and control of John Hollins, his executors, administrators, or assigns," and that upon the death of said Hollins, the complainant, his administrator, may rightfully demand it of the trustees, who would not be in any way responsible for its application by the administrator.

It may, however, be a question whether these deeds can be assumed to be valid. In the case of *Albert and Wife vs. Jones et al.*, decided at the last term of the Court of Appeals, a deed with such stipulations was adjudged to be invalid (7 *Gill*, 446), but in the subsequent case of *Kettlewell vs. Stewart*, the Court permitted the same question to be re-argued, and now hold it under advisement. It would, therefore, seem to be best to defer the decision of this case until the Court of Appeals shall have pronounced their opinion in the cause now before them, which will probably be in June next, and which, it is presumed, will finally settle this much vexed question.

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[The cause was again submitted and argued, on the 11th of March, 1851, when the Chancellor delivered the following opinion.]

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THE CHANCELLOR :

In the remarks made by me in this case, on the 12th April, 1850, it was suggested that the decision of the point involved in it be suspended until the case of *Kettlewell vs. Stewart*, then depending in the Court of Appeals, should be decided. That