

trustees to the payment of this land. In his bill he has limited his claim on this account to the sum of \$590, and to that amount he must be confined, but, in my judgment, this sum of \$590 must be deducted from the amount charged against him in the account J J, and that the balance only of said sum shall stand as a charge against him.

In the former opinion it was said, that the complainant's salary could not be credited later than the 6th of July, 1839, and that it could not be allowed to exceed the sum of \$1,000 a year, and in that respect no change is proposed now, or can be made.

Passing then from the items of surcharge and falsification specified in the bill, those insisted on in the amended answer remain to be considered.

1st. The first is, that of the \$6,500 credited for salary in J J, from the 1st of July, 1832, to 1st of January, 1839, the sum of \$3,500 being the whole amount due up to the 1st of January, 1836, was paid to the complainant by himself, acting in that behalf as agent of the defendant, and this is admitted by the complainant to be true. Of course the account in this respect is erroneous, and must be corrected.

2d. The second item of surcharge, which relates to the complainant's salary for the last six months, has already been disposed of.

3d. The third item of surcharge has reference to the credit of \$1,128 96, for dividend on the defendant's stock, declared the 1st of October, 1839, which the amended answer alleges was paid, without, however, undertaking to say when or in what mode it was paid. I am not satisfied of the fact of the payment, and therefore this allegation of error in the account is not maintained.

4th. The fourth item is a mere allegation of general error in the account, as the result of omissions and errors, and need not be particularly noticed.

5th to 12th. The items from five to twelve, inclusive, relate to the interest which the answer alleges should be charged against the complainant on the several sums specified therein.