

Smith must be ruled good, and the only question is, whether, according to the rules and practice of the land office, Naylor may not have his certificate corrected by excluding lots numbered 1134 and 1920, which by the intervention of Smith's lots are separated from the other lots comprehended in the certificate of the former.

This question appears to me, to be conclusively settled by the case of *Issachar & Schofield vs. Beall*, reported in the *Landholders' Assistant*, 420, 421. Indeed if that case and this are distinguishable at all, it is in circumstances which make this case stronger in favor of the right to have the correction made, and, therefore, I shall pass an order accordingly.

It is, thereupon, adjudged and ordered, that the *caveat* of George Smith be, and the same is hereby ruled good, and that the certificate of "Naylorsville" be corrected by excluding lots numbered 1132, 1923, 1134 and 1920. And that the surveyor of Alleghany county make the said correction and return the corrected certificate along with the original to this office.

THOS. PERRY, for the Caveators.

GEO. A. PEARRE, for the Caveatee.

JAMES MADDOX AND OTHERS vs. HENRY H. DENT EXC'R OF JAMES BRAWNER AND OTHERS.	}	MARCH TERM, 1848.
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[DUTIES AND RESPONSIBILITIES OF TRUSTEES—PRACTICE IN CHANCERY.]

A TRUSTEE or his administrator may be called upon *by petition* to bring the trust fund into court, and to account therefor; and the administrator may also be required in such proceeding, to account for the personal estate of the trustee.

A trustee was appointed to sell the real estate of a deceased party, for the payment of his debts in 1830, and made and reported the sale which was affirmed, *quasi*, in 1831, and in 1842 he was called upon by the heirs at law of the deceased to account for the purchase money. HELD—That after this