

tion then prays for an account of such assets, and for general relief.

The answer of Dent to this amended petition denies that he has ever received any part of the trust fund, and alleges his belief that Brawner fully accounted, as trustee, for every cent of the funds which came to his hands, to the creditors entitled thereto, and insists that the lapse of time which has occurred since the sale made by him as trustee, is a full and sufficient defence against any claim on account of the purchase money. That Maddox, at the time of his death, was notoriously insolvent, and that the claim of his heirs against the estate of Brawner is unjust and unconscionable. The answer then further objects that the executor is not properly accountable in this form of proceeding. He denies that he has received assets sufficient to pay Brawner's debts, and insists that said Brawner is largely insolvent. He then proceeds to give an account of his proceedings as executor, and refers to his accounts passed in the Orphans Court as evidence thereof. By an amended answer subsequently filed, Dent, as executor, exhibits the will of James Brawner, by which certain real estate was devised to Dent, or the proceeds of the sale thereof, in trust for the use of the testator's wife, for life, and after her death to his son and grandson, equally, and the said Dent, as executor, was given, by the will, full power to sell and dispose, invest and reinvest any and all parts of his estate, real, personal and mixed, in such manner as he may deem for the benefit of the estate, and the testator's wife, sons, and grandson, and all others interested therein. The amended answer then states that he has sold the real estate devised for the benefit of the testator's wife, for life, and has received \$1800, one-half of the purchase money, and insists that he has charge of this as trustee for the devisees named in said will, and not as executor, and therefore, he insists that to affect this fund, the said devisees ought to be made parties, and unless they are so made parties, the fund ought not to be interfered with in any way by this court, and even if they were made parties, the court would not be competent in this form of proceeding to affect the same