

until the right of the claimant shall, on notice, have been decided. In execution of the court's order passed upon the petition of *Wallace's* devisees, filed 1st April 1824, he has stated the trustee's account with the estate, marked B., applying the proceeds thereof to the payment of his allowances for commission and expenses, and of the costs in this court, and distributing the balance among the deceased's residuary devisees, assuming thus, that the personal estate is sufficient for the payment of debts and legacies, nothing being shewn to the contrary. And he has stated too, the trustee's account C. for so much of the proceeds as he has received; charging him therewith, and at his request, with the amount also of sales made to his son *N. Brewer, junr.* then crediting his said allowances for commission, &c. and the sum he paid into court on the 6th of April last; and so shewing a balance of \$673 77 cents in his hands yet to be accounted for. At the foot of that account he has charged the trustee with interest also, from 1st January 1822, as directed; and this makes the balance in his hands to be \$1393 22, bearing further interest from 6th April 1825.

On the 14th of July 1825, *Nicholas Brewer*, the trustee, filed his report, on oath, shewing cause in obedience to the order of the 17th of March 1825, in which report he says, "That by the decree, under which he acted, it became his duty to sell the property decreed to be sold, to take bond with sufficient sureties for the purchase money, to bring the bonds so taken, and the purchase money when received into court, or to apply it under the Chancellor's direction to those entitled to receive it, and he humbly conceives, that the Chancellor had no power to order him to invest the money when received and the accruing dividends compelling him to undergo labour and encounter risks not contemplated by his original appointment, nor intended to be compensated by his commission, nor does he believe, that the Chancellor had any power to order the investment of the proceeds of the sale of the real estate at all.

"Notwithstanding, the trustee further states, that in obedience to the said order he did endeavour to procure stock of the Farmers Bank of Maryland, but was not successful; and the stock of the Government of the United States was, at the date of the order, and ever since has been, above *par*, and would not have secured to the claimants *six per cent.* interest on their claims, which appeared to be the object of the petitioners. And the trustee, residing in Annapolis, could not have obtained it, even at the then value, without the employment of brokers, or other agents, at the expense of commission to them, and involving risk to himself by their possible infidelity.