

“The trustee further represents, that he has made no interest from the funds in his hands, nor derived any pecuniary advantage from them, but has always been ready to bring them into court when required by the Chancellor to do so, and should have brought the whole into court under the Chancellor’s order of the 17th March last, but that the auditor’s statement, ascertaining the exact amount to be brought in, had not been made, and he is ready to bring in the residue.

“The trustee further states, that the only dispute, that he knows of, which rendered it doubtful whether the heirs or devisees of said *Wallace* or his creditors should receive the said funds, was a suit in this court by *Charles W. Hanson* executor of *Wallace*, against *John Murray*, executor of *John Muir*, to which the trustee refers, in which the auditor’s report was made on the 4th of July 1821, and was understood to be acquiesced in, and the decree passed on the 23d of February 1824; and which case the trustee was in daily expectation of being decided a considerable time before; and he believes that was the suit which induced the petitioners to require the investment.

“The trustee further states, that not having succeeded in his endeavours to invest the said funds, and the petitioners and their counsel being acquainted with the progress of the said suit of *Hanson v. Murray*, and often attending the Chancery Court, and not having called upon him to report, he had every reason to believe, that they were satisfied, that the funds should remain as they were. The trustee further states, that even if he were chargeable with interest in this case it would be going a great length to charge him from the moment the order to invest was made, which the auditor, at the instance of the petitioner’s solicitor, has done.”

On the 18th of August 1825, *Sarah H. Smith*, with *James Smith* and *Edward T. Bond*, filed an amended petition, giving a more particular account of the nature of the claim and judgment mentioned in her petition of the 9th of August 1819, and stating that she had assigned it to the two other petitioners; that the personal estate of the late *Charles Wallace* was totally insufficient to pay his debts; and praying that their claim might be paid out of the proceeds of the sale of his real estate now in this court; and that notice might be given to the heirs, devisees, and legatees. To this petition *Charles W. Hanson*, one of the devisees, filed his answer, on the 17th of November 1825, in which he says, that he does not know of or admit the said judgment, or the correctness