

individuals, who are, in truth, ignorant of the whole matter as to which the bill requires any disclosure; but who are made defendants as having an interest in the matter in controversy, have been permitted, by this general mode of answering, to deny the whole bill, and to put the plaintiff to prove all its allegations at the hearing. (a) If, however, it appears from the bill, that the defendant has any knowledge of any matter in it, he may be required to answer more fully and particularly to the extent of his knowledge or belief.

Divesting this case then, of all extraneous matter; of all that relates to the two first administrators of the late *Anthony Hook*; because this plaintiff is incompetent, in the representative character in which he sues, to recover any thing, but so much of the personal estate of his intestate as remains in specie; or has remained, and is now in the hands of any one who can be regarded as a trustee for the use of the late *Anthony Hook* and his representatives. Of all that which relates to the next of kin of the late *Anthony Hook*; because none of them, as such, can have any title, but from one of his administrators, and no such title is alleged or pretended; and also, because none of them are made parties to this suit as plaintiffs; and *Barbara Hagthrop* and *James Hook*, who have been made defendants, are neither charged as, nor make any claim or defence in right of their being two of the legal representatives of the late *Anthony Hook*. And the case, when thus cleared, is on the part of the plaintiff simply this:

By a deed, bearing date on the 17th of August, 1797, the late *Anthony Hook* conveyed certain property, therein mentioned, to the late *John Hook*, on the terms specified in the deed; which property came to the hands of the late *John*, and after his death passed into the hands of *Hagthrop* and wife, as his administrators, and is now held and detained by them and the other defendants who claim under them. The plaintiff alleges, that this property, according to the nature and terms of the deed, was conveyed to *John* as an indemnity in case, and upon condition, that he should pay certain debts therein specified; which have not been paid. And consequently, that the late *John Hook* had held, and his legal representatives, and those who claim under them, now hold this property as trustees for the use of the late *Anthony Hook*, and his legal representative, who is now the present plaintiff. Upon which the complainant prays, that this property may be accounted for and delivered up, together with the profits thereof.

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(a) *Drury v. Connor*, 6 H. & J. 291.