

The court will allow a new trustee a reasonable sum for fees to his solicitor, due for services in a proceeding against the administrators of the old trustee, rendered necessary by the omission of their intestate ; but such fee will not be deducted from the commissions allowed to the old trustee.

[On the 5th of March, 1844, the complainants filed their bill. It alleges, that the said Benjamin is largely indebted to the complainants, on account of the principal and interest of their claims against him, which they exhibit with their bill. That, at the time the said debts became due, the said Benjamin was possessed of large personal and real estate, and that the title to the same remained in the said Benjamin, until about the month of April, 1842, when he executed a conveyance of the said property to a certain David Trundle, of Montgomery county, in trust, as it was pretended, to pay the debts of the said Benjamin, as therein set forth ; but really, as the complainants charge, to cheat and defraud his just creditors. That the said Benjamin afterwards took the benefit of the insolvent laws, and, that there is no other way in which the complainants can obtain payment of their debts, than out of the property so conveyed to the said Trundle. The bill further charges, that the said Trundle has, ever since the execution of the said deed, been in possession of the property so conveyed to him, and that he has paid no part of the complainants' claims, and it prays, that the deed may be annulled and vacated, and the property sold for the payment of the debts of the said Benjamin.

The deed of trust, (a copy of which was filed with the bill,) makes no mention of the compensation to be allowed to the trustee.

Trundle filed his answer to the bill, on the 28th of March, 1845. Mr. Kilgour was appointed trustee, to complete the trust. Mr. K. declined to act, and on the 4th of October, 1845, Trundle was re-appointed trustee upon the application of the complainants.

On the 13th of November, 1846, the complainants filed a petition, alleging, that the said Trundle had recently died, and and that Drusilla Trundle and others had taken out letters of