

evidence that inquiries had been made into the extent of the assets of the assignors, or the extent of their liabilities, by inquiring into which alone could any judgment have been formed, or notice be attributed." Nor is there any other proof in this case bringing home to Jerome a knowledge of the insolvent condition of Thomas, sufficiently pregnant to overcome his direct and emphatic denial of such knowledge in his answer.

I am therefore of opinion, that the complainant is not entitled to relief, but there is quite enough in the cause to protect him against a decree for costs, and accordingly, in dismissing his bill, the parties respectively will be required to pay their own costs.

HENRY P. BROOKS and LEVIN GALE, for Complainants.  
C. H. PITTS, for Respondents.

[An appeal was taken by the complainants, which is still pending.]

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SAMUEL HOPKINS, vs. HENRY McELDERY.	}	MARCH TERM, 1851.
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[MOTION TO BRING MONEY INTO COURT.]

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Those who make the motion to have money brought into Court, must show that they have an interest in the sum proposed to be called in, and that he who holds it in his possession, has no equitable right to it whatever, and the facts on which these positions are based must be found in the case as it then stands, either admitted or so established as to be open to no further controversy at any subsequent stage of the proceedings.

An answer exhibited accounts, showing a balance due complainant, which defendant says he was willing to settle, but the former refused to receive, and filed his bill, and the defendant believed, and still believes, that balance to be too large, and insists that he is now entitled to have certain sums credited with which he had not been credited in the accounts. **HELP**—That these admissions were not sufficient to authorize an order to bring the balance into Court.