according to the rights of your petitioners and other parties, according as they may ultimately be determined by this Court; but now your petitioners charge that the said named Defendants pretend that said monies were received by them, or one of them, under color of a certain order, which was heretofore, on the 24th of January, A.D. 1866, passed by this Court, upon the petition of said Ann Barnum, now Gordon, in a cause or proceeding in this Court, entitled,

"In the matter of the estate of Andrew McLaughlin, deceased," and that under color of said order they, or one of them, hold or holds said money as parcel of the estate of said Andrew McLaughlin, deceased, and that the same is to be distributed as such among the representatives of said Andrew McLaughlin, deceased; and your petitioners apprehend that the said Defendant will so apply and distribute said money, and such other money as they may realize from the use and employment of said premises, to and among said persons, unless otherwise directed by this Court.

That the title of said Andrew McLaughlin to such part of said premises as is now claimed by your petitioners, and their right to which has been affirmed by the Court of Appeals, is devised or pretended to be devised under color of a certain deed of assignment from a certain Augustus Barnum, who was the father of your petitioners, and a son of David Barnum, the testator mentioned in the proceedings in this cause, and which said deed of assignment,

as your petitioners are advised and insist, is wholly inoperative and void as against said title of your petitioners.

And your petitioners are further advised, that said order of this Court was improvidently passed, and cannot be executed, so far as it contemplates a distribution of said monies, without disregarding the rights of your petitioners as established by the said Court of Appeals.

That the said Ann Barnum has given bond for the faithful execution of the trusts reposed in her by said order, in the penalty of fifty thousand dollars, which is in itself an inadequate security for the due application of the monies already received by her and those which may be received by her under color of said order.

That the said Ann Barnum has intermarried with said David C. Gordon since the passage of said order, and by reason thereof the security of the persons interested in the forthcoming of said fund is lessened, and she has become less qualified to execute said trust, even if, under existing circumstances, the said trusts were proper to be executed.

That your petitioners have moved in this present cause for the appointment of the receiver to take charge and manage the said Estate premises for the benefit of your petitioners and others interested therein, under the provisions of the last will of David Barnum, deceased, until a sale thereof can be had under the direction of this Court, and said motion has been submitted to, and is now under the advisement of your