the faithful execution of her duties as Trustee, carried on and conducted, and is now carrying on and conducting said Hotel.

And these respondents deny that she is carrying on or conducting said Hotel in any capacity other than as such Trustee; and they deny that this respondent David C. Gordon, has carried on or conducted said Hotel in any capacity whatever.

And these respondents are advised and respectfully submit, that if such order should be passed by your Honor, as in this petition is prayed, whilst the said order of the 24th of January 1866, remains in force, not suspended or varied, the said Annie would be embarrassed by two inconsistent duties in relation to the same fund, namely, compliance with the exigency of an order to bring the money into this Court, to be distributed or disposed of in this case, and compliance with the exigency of the said order of 24th January 1866, by which she was appointed Trustee as aforesaid.

Further answering these respondents say, that the decision of the Court of Appeals, referred to in the said petition, to which this is an answer, does not establish the right of said petitioners to the fund, or any part of the fund supposed to be in the hands of these respondents, or one of them; said decree merely establishes, as these respondents are advised, that the devise of certain property to the Trustees named in the first article of the will of David Barnum, was void, as violating the rule against perpetuities; and that the second article of said will took effect in operation, instead of said first article of said will.

Nothing is said in said decree about money as being in either of them nor thereafter to accrue in their hands then in the hands of these respondents, or in the hands of either; nor was the said Annie in her capacity as Trustee, under the said order of 24th January 1866, a party to said suit.

These respondents further answering say, that the Hotel, as carried on by said Annie, as Trustee as aforesaid, consists of several parcels of property purchased from other parties by said Andrew McLaughlin in his lifetime, which never belonged to estate of said David Barnum, and also, a large stock of wines, Hotel furniture, &c, to which the said petitioners never had, nor can truly make any pretence of title whatever; and if these respondents were to make the attempt to separate the proceeds of income into parcels, so as to ascertain the proportion which accrued from any one component portion of the Hotel establishment, they would utterly fail in the attempt.

And these respondents deny that the petitioners are, under any circumstances, entitled to any part of the profits, or liable for any part of the losses resulting from the carrying on of the business of Hotel keeping by your respondent, as Trustee as aforesaid.

Further answering these respondents say, that it is true that an application was heretofore made by the now petitioners to this Honorable Court for the appointment of a receiver, as stated in the present petition; and that the motion was fully argued and submitted, and is still held under the advisement of this Honorable Court.

And these respondents also state, that in the