

the court. Being advised by his counsel, your memorialist agreed to file a bill against the trustees, on the terms above proposed, and a promise, by Mr. Russell's counsel, of a speedy decision. Your memorialist's bill being ready in a few days was delivered to Mr. Russell's solicitor, who, after an unreasonable delay in preparing Mr. Russell's answer, informed your memorialist, that he did not intend to abide by the agreement made between your memorialist and Mr. Russell's counsel, of consenting to a transfer of the surplus, beyond a sum sufficient to cover Mr. Russell's claim. On a promise by Mr. Russell's counsel, that they would not oppose such an order, your memorialist, by the advice of his counsel, (who were of opinion, that the chancellor, against the consent of Mr. Russell, would make this order,) agreed to file his bill, on condition that Mr. Russell would in his answer, reduce his claim, (which his council did, in the presence of your memorialist,) from about £. 19,000 to £. 14,000 sterling. In the mean time, Messieurs Ewers (the partners of Mr. Russell and Mr. John Buchanan,) filed their bill against the trustees, to prevent a transfer of any part of the stock, before they were compensated for their third of the Nottingham iron-works, which they estimated at £. 20,000 sterling. This bill created new difficulties, and made it necessary to get it dismissed, or to make Messieurs Ewers, and the trustees of Buchanan, (who had an assignment of his third of the iron-works,) parties to your memorialist's bill. The first was impracticable, because your memorialist was not a party, and the trustees refused to adopt the necessary steps for that purpose, recommended by your memorialist; the latter was proposed to Messieurs Ewers, and the trustees of Buchanan, if they would claim only the real value of their confiscated property. This measure was taken by the advice of your memorialist's counsel, from their assurance that an order of the chancellor could be obtained, that all the stock should be transferred by the trustees to the accountant-general of the court; in which case Mr. Russell could not receive the dividends, (about £. 2640 sterling,) or pay himself if he survived Mr. Grove, and no one could obtain any part of the stock without a decree of the chancellor. After great delay, Mr. Russell filed his answer, but in violation of the agreement made with his counsel, in his engrossed answer the limitation of his claim was struck out. After great difficulty and delay, Messieurs Ewers, and trustees of Buchanan, by their answer, limited their claim to £. 18,000 sterling for their two thirds of their property in company with Mr. Russell. In the suit by your memorialist against the trustees of the bank stock, Messieurs Ewers, and the trustees of Buchanan, an order of the chancellor was obtained for a transfer of £. 44,000 stock to the accountant-general of the court of chancery, in trust in the said cause, and subject to the order of the court. On a motion in this cause to transfer to your memorialist the surplus of the bank stock, not claimed by any of the defendants, the lord chancellor rejected the motion, because some other party was necessary to the bill, and which party, though not expressed, your memorialist understood, and was informed by his counsel, was the attorney-general of Great-Britain. To the bill exhibited by Mr. Russell, your memorialist put in a general demurrer, because Mr. Russell, on his case stated in his bill, was not entitled to the relief prayed for, to wit, a decree for compensation out of the bank stock for his property confiscated by this state during the late war, for his conduct as trustee; which demurrer was allowed, on argument, by the lord chancellor.

Your memorialist further represents, that he declined to make the attorney-general of Great-Britain a party to his bill, because the making him a party could only be necessary from a supposition that the crown of Great-Britain had some interest in, or claim to, the bank stock. Under this embarrassment your memorialist, on the 3d of August, addressed the British minister, stated the right of the state to the bank stock, the claims made to part of it by Mr. Russell, and others, and for what cause, and the opinion of the lord chancellor, that the attorney-general of Great-Britain must be a party, and of consequence claim all the stock on behalf of the crown, and requested that the British government would consider the case, and direct the attorney-general to disclaim any right or interest in the crown to the stock; but received no answer. Leaving the conduct of the suits in the hands of his counsel, on the 15th of August your memorialist left England.

Your memorialist further sheweth, that this representation is a brief narrative of his agency, but conveys no idea of the difficulties, embarrassments and fatigue, both of body and mind, he encountered in the course of his correspondence and communication with Mr. Russell, one of the trustees, and his counsel and solicitors.

On a consideration of all the conduct of your memorialist, the general assembly, at November session 1784, were pleased to declare, "that your memorialist, in conducting and negotiating the affairs of this state lately entrusted to his care as agent, had manifested great zeal, fidelity, diligence and ability, and a vigilant attention to the honour and interest of this government; and that your memorialist's said conduct merited, and therefore had, the approbation of the general assembly." At the same session, the act, entitled, "A Supplement to the act concerning the stock of the bank of England belonging to this state," passed, by which the bill and suit, by your memorialist, were approved, ratified and confirmed, and your memorialist was authorised to represent an act on behalf of the state, in all matters and things concerning the bank stock, and in his name to prosecute the said suit to final decree, and was invested with every right, power and authority, necessary for that purpose. By the said act it was also provided, that the right and power to prosecute the said suit, should (if necessary) take place from, and relate to, the date of your memorialist's commission; and the general assembly engaged to confirm and abide by such decree as should be made in the cause by the lord chancellor of Great-Britain, or such determination of the house of lords of that kingdom as should be made on appeal of either party; and the general