

be treated, and allowed to account as their guardian, so far as he may have made any application of the proceeds, or in any manner contributed to their maintenance, to the extent of the proportion of the proceeds to which they may each one of them respectively be found to be entitled. In his other capacity of trustee or agent, employed by this Court to make the sale, ordered by the decree, he must be charged with the whole amount of the proceeds of sale with interest, from the 1st of January, 1818. As an offset to which, he will be credited with all applications made for the maintenance of the infants, to the extent, and in the manner described; with **446** \* interest from the time of their being made; and the balance, if any, with interest thereon, he will be directed to bring into Court.

Wherenpon, it is ordered, that this case be, and the same is hereby referred to the auditor, with directions to state an account accordingly. And each party is hereby permitted to take testimony in relation to the said account before any justice of the peace, on giving three days' notice as usual. Provided, that the said testimony be taken and filed in the Chancery office on or before the twelfth day of June next.

On the 9th of December, 1830, the auditor made a report in obedience to this order, in which he said, he had stated an account No. 1, between the trust estate of Elizabeth Tilly and others, and the trustee, in which the proceeds of sale are first applied to the payment of the trustee's allowance for commission and expenses and costs of suit, and the residue is distributed amongst the infant children of Elizabeth Tilly, deceased, in manner as directed by the aforesaid order. The auditor has adopted the agreement of the 20th of July last, signed by the solicitors of Berry Griffith, and the trustee, as evidence of the ages of those children. He has then stated accounts between said trustee, and each of said infant children, which are numbered 2, 3, 4, 5 and 6, charging the trustee with each child's ascertained share of the proceeds of sales, and interest thereon from the first of January, 1818, to this date; and allowing credit for his disbursements, with interest on each disbursement from its date to this time. The result of those accounts is, that Elizabeth Tilly, Sarah Tilly, and Lucretia Tilly have been fully paid and satisfied; that there remains due to Horatio Tilly, deceased, the sum of \$263.95, with interest on \$153.09 from this date; and to Margaret Tilly the sum of \$243.92, with interest from this date.

To this report of the auditor the trustee Brewer excepted; and the case being submitted, it was, on the 29th of January, 1831, ordered, that the exceptions be overruled, that the report be confirmed, and that the proceeds be applied accordingly.