

ing, on the trustees' report, on bringing into court the money or securities arising on the sale.

Under this decree the trustees reported, that they had, on the 14th of September 1822, made a sale of the two lots, amounting to three thousand nine hundred and fifty dollars, which sale was finally ratified on the 10th of February 1823.

31st May, 1823.—WARD, *Associate Judge*.—Ordered, that this case be referred to the auditor of this court to be audited.

The solicitors of the plaintiffs, by their petition, stated, that the plaintiffs had agreed to allow them, as a compensation for their services, a commission of twenty *per cent.* on the sum recovered, deducting therefrom fifty dollars from each which had been paid to them; that they had so far conducted the cause successfully and with great care and labor; that the court had ordered notice to be given to the other creditors of *Rogers* to exhibit their claims here for settlement; and as the introduction of such other claims into this case might lead to some difficulty, they prayed the court to sanction the allowance of their claims, and to direct the auditor accordingly.

9th January 1824.—ARCHER, *Chief Judge*.—Ordered, that the auditor, in stating the account with the trustees, allow to *Henry W. Rogers* and *Henry M. Murray*, solicitors for complainants, the sum of \$690 as complete fees for conduct of the case, subject to the usual exceptions.

It is stated, in the petition of the plaintiffs' solicitors, that the court had ordered notice to be given to the creditors of *Rogers* to exhibit their claims; but there is no such order to be found among the papers: Yet it must be presumed, that such an order was passed and notice given, since it appears, that several of the creditors of *Rogers* did actually bring in the vouchers of their claims. And it appears, that the proceedings and schedule on the application of *Rogers*, for the benefit of the insolvent law, had also been filed. From all which, and the proofs in the case, the auditor, on the 6th April 1824, made and reported a distribution of the proceeds of sale among thirteen of the creditors of *Rogers*, in which report the auditor says, that he had not noticed *Strike's* claims; because the whole of them appear to have proceeded from, and to have grown out of the first fraud between *Strike* and *Rogers*, and are not therefore entitled either to a preference or dividend.