

balance of the said purchase money might be applied to the satisfaction of their claim, and for general relief.

BLAND, C., 22d March, 1828.—Ordered, that a copy of this order, together with a copy of the said petition, be served \* on the said Mary Llewelin, on or before the 19th day of **291** May next, to the end that she may shew cause, if any she hath, why the said surplus should not be applied, as prayed, to the satisfaction of the just debts of the said Jeremiah Booth, deceased. And it is further ordered, that the said trustee, by a publication of this order, to be inserted in some newspaper twice a week for three successive weeks before the 19th day of April next, give notice to the creditors of Jeremiah Booth, deceased, to file the vouchers of their claims in the Chancery office, on or before the tenth day of July next.

On the 20th of March, 1828, Richard H. Lee and Ann his wife, formerly Ann Jordan, and Richard Jordan, by their petition, stated, that when the sale of the 24th of September, 1810, was made of the real estate of their father Richard Jordan, deceased, they were infants, and Edmund Key was then their duly constituted guardian, and as such received from the said trustees, who made that sale, and from the said Booth, the purchaser, under the order of this Court, out of the proceeds, and on account of the said sale, the sum of \$3,972.07, of which this petitioner Ann received from the said Key only \$167.03; and this petitioner Richard only \$388.22, making together but \$555.25, leaving still due to them, from the said Key, the sum of \$3,416.82, exclusive of interest; that the said Booth was one of the sureties in the bond given by the said Key as guardian of the petitioners; and being so liable, until that amount was fully satisfied, said Booth could never have obtained a legal title to said real estate; and that therefore, it was still a lien, and must operate as such upon the proceeds of said sale made by the trustee Merrick; or at any rate, that for such amount the petitioners were entitled to come in equally with all other creditors of every description upon the said proceeds. That the said Key for some years past had been, and still was wholly insolvent; and had obtained the benefit of the insolvent laws since his receipt of the said sums of money. That since the said order for a re-sale, the petitioner Ann married the petitioner Richard H. Lee. Whereupon the petitioners prayed to have the benefit of the answer of the said Edmund Key, and that a subpoena might be directed to him; and that they might have such other and further relief as the nature of their case might require. Upon which a subpoena was issued accordingly.

The auditor, on the 18th of March, 1829, made a report in **292**  
\* which he represented that he had, from his statement of