

BLAND, C., 9th June, 1828.—Decreed, that in obedience to the order of the Court of Appeals for the Eastern Shore of Maryland, filed in this case on the sixth instant, the said sum of \$1,451.38, mentioned in the bill of complaint, be paid by the said Edward Brown to John B. Eccleston, the trustee hereinafter named; which money having been declared by the said order to be a part of the real estate of Jesse Jones, deceased, when received by the said trustee he shall bring into this Court to be applied under the Chancellor's direction, after deducting the costs of this suit, and such commission to the trustee as the Chancellor shall think proper to allow in consideration of the skill, attention, and fidelity wherewith he shall appear to have discharged his trust; that before the said trustee shall be entitled to receive the said sum of money, he shall file with the register of this Court the bond hereinafter mentioned; that provided the said sum of money shall be paid by the said Edward Brown on or before the first day of January next, no interest thereon shall be demanded; but if not then paid he shall from that time be required to pay interest on the same.

It is further decreed, that the lands in the proceedings mentioned be sold, that John B. Eccleston be appointed trustee to make the sale, &c., &c.; and that the trustee at the time of advertising the said property for sale, give notice to the creditors of the said Jesse Jones to file the vouchers of their claims in the Chancery office, within four months from the day of sale.

After which the trustee made sale of the real estate, which was ratified on the 13th of April, 1829, and having received the surplus from the defendant Brown, and given notice to the creditors, who came in; the whole estate was finally distributed; after allowing to the two widows each a portion of the proceeds of the sale of the realty sold by the trustee in lieu of their dower.

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* DORSEY v. HAMMOND.

AUDITORS.—CREDITORS' SUIT.

The auditor is a ministerial officer of the Court. The general character and nature of his duties. His fees being a part of the costs, the payment of them may be enforced, in a summary way, like costs. Statements may be made by the auditor for the parties with or without the directions of the Chancellor. (a)

The mode in which creditors are made to contribute to a creditors' suit. In a creditors' suit the proceeds of the realty are to be distributed in the same order among creditors in which the personalty is to be distributed

(a) Cited in *Trustees v. Heise*, 44 Md. 465. See *Townshend v. Duncan*, 2 Bland, 45.