

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.

ARCHER, C. J., 9th January, 1824.—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.

**64** \*The plaintiffs excepted to this report, 1st. Because there is no evidence sufficient in law to support the various claims stated in said account, except the complainants' claim, filed or exhibited in the cause. 2d. Because the said claims, or the greater part of them, have been paid and satisfied—your exceptants particularly charge that the following claims, reported by the auditor, have been fully satisfied, viz: &c. and others which the exceptants will be prepared to prove as this Court may direct. 3d. Because the whole of said claims are barred by the Act of Limitations, which your exceptants plead and rely on in bar of said claims. 4th. Because from the laches and neglect of the several parties, named in said account and report as creditors, to prosecute their several claims, they are not entitled to the aid of this Court, or to