

practice of this Court. In this form a creditor may come in at any time before a distribution of the proceeds of the sale has been actually made; and before a final audit has been ordered and ratified; but if the auditor had previously made a statement, the cost of the restatement must be borne exclusively by such new applicant. *Angell v. Haddon*, 1 *Mad. Rep.* 528; 2 *Fow. Ex. Pra.* 254; *Davies v. Stewart*, per JOHNSON, C., 17th February, 1823. (t)

With regard to the proof of claims, brought in by other creditors, it has been the practice in cases of deceased persons' estates,

dian to the infant defendants, and such a guardian had been appointed accordingly, who answered for them.

HANSON, C., 23d August, 1803.—Ordered, that the principal money, arising from the sale of the estate of Parrott Clarke, deceased, be applied agreeably to the auditor's statement of the 12th instant; and, that whatever interest is paid by the purchaser shall be divided, in due proportion, amongst the persons entitled to the principal. But, inasmuch as the Chancellor knows not whether the heirs of said Clarke are of years of discretion, or have a guardian to their persons and estate, the balance of £143 2s. 1d., must be subject to the Chancellor's future order.

(t) O'BRIAN v. BENNET.—This bill was filed by O'Brian and wife on the 18th of June, 1800; by which it appears, that the defendant Pouder, being seized in fee simple of a lot of ground in Baltimore, sold it to Francis Caskey for £687 10s., and gave Caskey his bond to convey it to him when he paid the whole purchase money; that Caskey paid £337 10s. in part; that afterwards he mortgaged his interest for a certain sum of money to the defendant Patrick Bennet; after which Caskey devised his interest to Martha, one of the plaintiffs; and died. And then the defendant Pouder conveyed all his right to the defendant Bennet—that Bennet holds possession and refuses to convey, or to suffer the plaintiffs to redeem. Prayer for general relief, &c.

On the 27th January, 1802, a decree was passed, by consent, for a sale in the common form. The amount due Bennet, was also agreed by writing, dated 8th October, 1801. A sale was made and reported accordingly, which, by an order of the 19th of May, 1802, was at once absolutely ratified, the persons concerned having expressed their approbation thereof—that is, the plaintiffs and defendants.

The property having sold for more than enough to satisfy the claims of the defendants, the plaintiff Charles O'Brian, by his petition, stated, that he having been appointed the executor of Charles Caskey, as set forth in the bill, had obtained letters testamentary; that the personal estate of Caskey was exhausted; that he had been sued and was likely to be made liable for a large amount of debts; and therefore prayed that the surplus of the proceeds of sales in this case might be paid over to him as executor.

HANSON, C., 9th June, 1802.—Ordered, that the creditors of Francis Caskey, deceased, be notified by a publication of this order three Tuesdays or Fridays in the Baltimore Telegraph, before the end of the present month, to exhibit their claims, with the vouchers thereof, to the Chancellor, before the first day of September next; in order, that after that day a dividend may be made amongst the said creditors of about £600, arising from the sale of cer-