

sixth each; and to Parker Mitchell, who alleged in his answer, that he was the purchaser of Kent Mitchell's portion, and the remaining half of Bennet Mitchell's portion, their shares accordingly; but that there was no proof of the purchase or payment for those portions. That all these claims so ascertained against the estate of the intestate William, including interest to the day of the trustee's sale, amountad to \$8,321.13. The auditor further reported, that Martin Mitchell, Bennet Mitchell, and Kent Mitchell, whose interests seemed to be materially affected by these proceedings, were not parties; and, therefore, respectfully submitted, **591** whether they ought *not, in some shape, to have notice of the complainants' application and the allegations of the defendants.

KILTY C., 22d June, 1815.—Ordered, that the claims against the said estate, which are now, or may be exhibited, be decided on during the sittings of the ensuing July term, on application. The trustee is desired to have a copy of this order published three weeks in the American, and to forward a certificate of its publication, and the expense, which will be allowed.

A copy of this order having been published as required; the auditor, by a report dated on the 27th of February, 1816, said, that he had stated an account between the estate of William Mitchell, deceased, and the trustee, in which the proceeds of the estate were first applied to the payment of the trustee's allowance for commission and expenses, the costs in this Court, and the several claims as heretofore stated and reported; and the balance was equally divided between the heirs-at-law, of the said William Mitchell.

KILTY, C., 29th February, 1816.—Notice having been given, as directed by the order, of 22d June, 1815, and no application having been made in support of the objections suggested in the auditor's first report; and the auditor having appropriated the proceeds by this statement and report; the same are confirmed, and the proceeds are directed to be applied accordingly, with interest on the commission and dividends, in proportion as it has been or may be received. *Waite v. Temple*, 1 *Cond. Cha. Rep.* 162.

No further proceedings appear to have been had in this case by any of the parties.

The first of these cases of Brown against Wallace, was instituted by a bill filed in Harford County Court, on the 8th of May, 1818, by Freeborn Brown and William Brown, against James Wallace. This bill stated, that the plaintiff Freeborn purchased the lands of the defendant, as mentioned in his report, in the before