

tain themselves, they must be disposed of with other portions of the personalty, so as not to leave them as a burthen upon any one or upon the county. The right to have such slaves maintained by the owner, in discharge of the county, has been expressly given as a public claim, by which the estate of the deceased owner is bound; 1796, ch. 67, s. 13 and 29; 1824, ch. 100; *Keane v. Boycott*, 2 *H. Blac.* 511, *note*; and therefore, the administrator must, at his peril, make such a disposition of the estate, if practicable, as to secure to the public, that right; and he cannot be allowed, to the prejudice of the creditors, or next of kin of the deceased, to retain any thing for the maintenance of such aged or infirm slaves.

Whereupon it is ordered, that this case be and the same is hereby again referred to the auditor, with directions to state a final account. The claim No. 4, is to be first and fully satisfied from the proceeds of the real estate that has been sold; and then from the same proceeds, the amount agreed upon, according to the terms of the agreement, is to be allowed to Christiana Mackall, the widow, in lieu of her dower; and then, after the satisfaction of these claims, the residue of the proceeds of the realty is to be applied in full satisfaction of claim No. 11; after which an amount is to be set apart equal to the full satisfaction of claims No. 35 and 36. The claims No. 5, 6, 18, 19, 20 and 28, are to be first fully satisfied out of the personal estate, or so far as it will go, so as distinctly to shew the deficiency, if any, to be made up to each of those claimants out of the realty. But if a surplus of the personalty should remain, after \*satisfying those claims, then **527** a complete distribution thereof is to be made among the claimants No. 6, 9, 10, 12, 13, 15, 18, 19, 20, 21, 23, 24, 26, 29, 34 and 37. Then a dividend is to be made of the real and personal estate, among the claimants No. 1, 2, 3, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 37, so as to put each of them upon an equal footing, as nearly as practicable, with each other and all other claimants, except the dower claim, and claims No. 4, 11, 35 and 36, and as if the claims No. 5, 6 and 8, were allowed to come in among the divisors; and then the whole residue of the estate, real and personal, is to be so distributed as to give claims No. 35 and 36 a preference for a full satisfaction against all, except claims No. 5, 6 and 8; and so as to apply the whole in satisfaction of the several remaining claims, until they are as fully and as equally satisfied as may be, according to their respective rights. In making this final arrangement and distribution of the funds, real and personal, of this deceased debtor, the auditor is further directed to reject claims No. 7, 30 and 31, together with all others, which do not appear, at the time he makes his statement, to be fully and correctly authenticated according to the course of the Court.