

And it is further ordered, that the exceptions to the auditor's report of the accounts of the defendant Louis Mackall, as administrator *de bonis non*, be and the same are hereby sustained and allowed; except as to the objections to the items in account A, from No. 1 to No. 8 inclusive, which have been abandoned; Provided, that as regards the exceptions against the allowance for \$1,005, it be shewn, that the whole value of the slaves mentioned in the mortgage deed of the 12th of January, 1821, has been applied by the administrator in satisfaction of claim No. 5, otherwise for so much only as has been so applied.

In pursuance of this order, the auditor made, and on the 21st of May, 1832, filed a report of a final account, distributing the whole proceeds of the estate of the deceased among his creditors who had come into this Court; three of whom had filed the vouchers of their claims since the passing of the order of the 14th of February. The auditor in this report says, that the administrator *de bonis non* had failed to produce the evidence which was required to entitle him to the credit for \$1,005, mentioned in that order; that the circumstances disclosed, induced the auditor to believe, that the administrator might be entitled to the credit, though some *considerable time might be required to collect his proofs and explanations. And as there was already a large sum of money in Court, laying unproductive, the auditor had, therefore, thought it best to report immediately, and therein assume, that the administrator was entitled to such an allowance, the right to which might be suspended; so that if it should ultimately be determined against him, a distribution of the amount might be made without disturbing the accounts which were then reported. That he had accordingly stated an account between the administrator *de bonis non*, and the estate; and thereby corrected his former accounts agreeably to the directions given. And after allowing the credits as ordered, with some others proved by the vouchers lately filed, and the sum of \$1,005; there appeared to be a balance in the hands of the administrator of \$3,184.71, as of the 26th of July, 1830, the day of the first sales of the real estate. In all other respects the auditor's statements conform substantially to the directions given. 528

It appears, that the gross amount of the sales of the real estate were \$16,539.92; from which were deducted \$683.17, for commission allowed to the trustees who made the sales, and \$166.46 for costs; leaving a balance of \$15,681.29 as the neat proceeds of the realty which, with the balance in the hands of the administrator, gave a sum total of \$18,866 to be distributed, in the manner directed, among those of the forty creditors whose claims were not altogether rejected. Four of those creditors, No. 4, 11, 35 and 36, including \$1,000 allowed to the widow as directed, amounting to