

net proceeds of this sale, be apportioned among the parties who have preferred claims to it?

Since the decree, various claimants have presented themselves, insisting upon their right to participate in, or have appropriated to their use, portions, or the whole of the surplus of these sales, after paying the mortgage debt of the complainants.

On the 10th of May, 1839, Carroll, the mortgagor, conveyed to Richard Caton, for the sum of \$1250, two portions of the tract called "Canal and Rail Road," designated as lots numbered 15 and 16, and containing, the one 273 acres, and the other 342; and the grantee in this deed being dead, Josias Pennington, as his administrator, and his heirs at law, filed their petition on the 4th of February, 1847, praying that a portion of said proceeds of sale may be paid to them.

On the 17th of June, 1842, two other parts of the same tract were conveyed by way of mortgage, by the same William Carroll, to George Neilson, administrator of James Neilson, to secure the sum of \$2000. These portions contain together the quantity of 374 acres.

And on the 18th of July, 1843, the same party conveyed to Jacob Snively, one individual moiety, of all those several tracts in trust for the payment, rateably, of certain of the creditors of the grantor. And these two parties, Neilson and Snively, are also claimants of portions of the fund raised by the sales.

In addition to these, J. J. Speed, by his petition, filed on the 18th instant, insists upon his right to have a part of the money paid to him upon the grounds set forth in his petition.

By an account filed by the complainants on the 31st December, 1846, there appears to have been other transactions than the mortgage between Charles Carroll of Carrollton and the defendant, in respect of which the defendant became indebted to him in other sums of money than those secured in that way; and the same account shows that the defendant made payments from time to time of various sums of money, without any application being made by either party of such payments, towards the satisfaction of either of the debts.