The question raised by the petition of William J. Barry is a different one. He has no interest in the proceeds of the sale, having previously thereto sold and conveyed his share of the estate to Mr. Glenn. His interest is limited to the rents and profits, of which he was entitled to one-seventh, to the period of his sale. He alone petitions for a re-examination of the accounts, and a disallowance of the commissions already allowed to the trustee upon the rents. The other parties, therefore, must be regarded as acquiescing in these allowances, or at least considered unwilling to embark in litigation with respect to them.

William J. Barry prays that the enrollment of four orders of the court, dated the 8th and the 18th of November, 1844, the 7th of January, 1845, and the 21st of February, 1846, may be vacated and set aside, and that the accounts of the Auditor may be re-examined and corrected in regard to the commissions, and some other allowances, made to the trustee. He states in his petition that he had then but recently obtained a knowledge of these orders, but he does not say when he obtained the knowledge.

It has been argued on the part of the trustee, that these orders being enrolled, an original bill upon the ground of fraud, or a bill of review should be filed to vacate them, and many authorities have been cited in support of this position. Expressions were certainly used by the Court of Appeals in the case of *Burch et al.* vs. *Scott*, 1 *G. & J.*, 393, from which it might be fairly inferred, that after a decree is obtained and enrolled, a petition is not the proper proceeding to obtain a rehearing. The language of the court at page 424 is, "if a decree be obtained and enrolled, so that the cause cannot be reheard upon a petition, there is no remedy but by bill of review, which must be upon error appearing upon the face of the decree, or upon some new matter, as a release, or receipt, discovered since." But in the more recent case of *Oliver* vs. *Palmer & Hamilton*, 11 *Gill & Johns.*, 137, it was decided that the enrollment of a decree alleged to have been obtained by surprise, might be vacated upon either a bill or petition, and in *Wooster et al.* vs. *Woodhull*, 1 *Johns. Ch. Rep.*, 539, *and Lan-*