

such further sum as might become due the mortgagees for costs, charges, and commissions, is not effectual since the Act of 1825, ch. 50.

The policy of that Act is, that the utmost extent to which the mortgaged premises can be made liable, must appear upon the face of the instrument; and provisos that the mortgage shall be a security for future liabilities, or advances, are forbidden by it.

Where a term intervenes after the passage of an order, it is considered as enrolled, and cannot be reheard upon petition; the only remedy in such cases, is by bill of review for error appearing upon its face, or new matter discovered since.

An administratrix employed an attorney to collect certain claims due the estate of the intestate; and suits were instituted upon some and judgments recovered upon others, when she died, and the claims were passed to the administrator *d. b. n.* HELD—

That under such circumstances, the administrator *d. b. n.* has the right to change his attorney; but the commissions should be equally divided between the attorney first employed and the one who may collect the money. The plea of limitations only enures to the benefit of the party pleading it.

[The real estate of Notley Young, deceased, who died intestate, was sold under the proceedings in this case, in aid of his personalty, for the purpose of paying his debts, and distribution amongst his heirs-at-law. Several questions arose in the progress of the cause, upon which the Chancellor delivered opinions. The first question was upon two petitions of Clement Young and Julia F. Young, infant defendants and heirs-at-law of the deceased, by William A. Brady, their guardian *ad litem* and next friend, filed on the 14th of February, and 25th of March, 1851. One of these petitions alleges that Notley Young, the intestate, in his lifetime advanced to his daughter Heloise, the wife of George H. Smith, a negro slave of the value of \$1,000, and stock in the Bank of Metropolis to the value of \$2,000, that this advancement so made ought to be treated as made on account, and in part of the share of the intestate's estate, to which the said Heloise is entitled, as one of his children, heirs-at-law, and personal representatives; that by the Auditor's account reported in this cause, there is shown to be a large surplus of the proceeds of said estate, which has been distributed equally to said Smith and wife and other heirs-at-law, by which apportionment petitioners are