founded upon notes upon which the names of Hancock and Mann and Dawson and Norwood do not appear, either upon the notes given or taken in exchange should be excluded, and that all claims should be likewise excluded when the counter notes of Dawson and Norwood are not filed, and I also think that where collaterals have been given, they should be accounted for or the claims on account of which they were given should be excluded.

As some of the claims designated by the numbers mentioned in the last paragraph have been admitted by the Auditor, it will be necessary to send the case again to him, when the claims will be excluded unless the counter claims of Dawson and Norwood are filed and the collaterals accounted for.

It is, thereupon, ordered this 21st day of May, 1850, that this case be and the same is hereby referred to the Auditor to state a final account, distributing the fund among the parties entitled upon the principles, and according to the directions hereinbefore given. And as upon the petition of the solicitor I am of opinion that there should be a taxation of costs as between solicitor and client, and that all parties who participate in the fund should contribute to the payment of the fees so to be taxed. It is further ordered that said solicitor be allowed a fee of three hundred dollars out of said fund. All exceptions at variance with this order are overruled.

[A further opinion was delivered by the Chancellor on the 4th of November, 1850, upon the petition of George R. Vickers, filed in the cause since the passage of the last order. The facts upon which this petition is based and the questions raised by it are fully stated in said opinion, which is as follows.]

THE CHANCELLOR:

This case is brought before the court upon the petition of George R. Vickers, filed on the 28th of the last month, praying that a dividend allowed him out of the fund due from and brought into court by Clarke and Mankin may be paid, notwithstanding the appeal taken by Mr. Glenn from the orders of the court under which the accounts of the Auditor were stated, and