

trustees' sale, which makes *Strike* indebted in the sum of \$6559 33, with further interest on \$4967 63, from the day of sale; which he ought not to have done.

7th. Because *Strike* is charged with the ground-rent upon the lot on *Pratt-street*, running to *Whiskey-alley*; which he ought not to have been.

8th. Because, in the said account and report, an allowance is made to *H. W. Rogers* and *Henry M. Murray*, esqr's. for fees; and also an allowance for expenses incurred by creditors at the private meetings, to consult about their private affairs.

9th. Because the said statement of account and report is erroneous in point of fact and law, and contrary to equity and right.

15th May, 1826.—BLAND, Chancellor.—This case having been submitted upon the auditor's report, and the exceptions of *Nicholas Strike* thereto, without argument, the proceedings were read and considered.

Whereupon, it is ordered, that the said exceptions to the said report, made and filed by the auditor on the 4th instant, are hereby overruled; that the said report and statements of the auditor be, and they are hereby ratified and confirmed, and that the trustees apply the proceeds accordingly, with the interest that has been or may be received. And it is further ordered, that *Strike*, one of the said defendants, forthwith pay unto the complainants the sum of \$5907 01, together with interest thereon from the fourteenth day of September, in the year 1822, until paid. And it is further ordered, that the defendant, *Strike*, pay unto the complainants, all costs which have not been stated and included in the said report of the auditor, to be taxed by the register.

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The defendant, *Strike*, appealed from the decree of the 28th of May, 1822; from the order of the 10th of April, 1826; and from the order of the 15th of May, 1826; and the Court of Appeals at June term 1828, affirmed them all. *Strike v. McDonald & Son*, 2 H. & G. 258.