

they are liable as principals or sureties, or until all the other heirs of the intestate have been fully satisfied and paid from the proceeds of the sale of the intestate's estate now in the hands of the court, or under its control for the purpose of distribution.

Whereupon it is ordered, that this case be and the same is hereby referred to the auditor with directions to state an account accordingly, distributing the proceeds of the sale of the intestate's estate now remaining under the control of the court ; first among the heirs of the intestate who have not been paid, or in so far as they have not been satisfied ; and the balance if any to the petitioner *Daniel Kent*, as the assignee of *Basil D. Mullikin*, *Baruch Mullikin*, and *Regnal Mullikin* ; and to *Benjamin H. Mullikin* and *Nicholas Woodward* : provided it shall appear, that they have each of them paid or brought into court all sums of money, being portions of the said intestate's estate which they or either of them as trustee, purchaser or surety ought to have paid or brought into court, or for which they or either of them is liable because of its not having been so brought in or paid. But as there has been an appeal from the decree of the 25th of June 1828, directing the land purchased by *Anderson* to be sold for the payment of the purchase money due from him, the disposition of that amount must be suspended until that appeal has been finally determined ; and consequently so much of this case as is affected by that appeal cannot be embraced in the statements contemplated by this order.

---

After which the auditor reported a distribution of the proceeds as directed, which was confirmed by an order of the 4th of May 1829 ; from which *Kent* appealed ; and, at June term 1831, the order was affirmed by the Court of Appeals.