

was allowed by that court, under the impression, that those gentlemen were to proceed in the case to a final decree; upon which condition alone, was the per centage to be allowed. The petitioners further stated, that *Henry M. Murray*, soon after that order was passed, died, without proceeding further in the case, after the auditor's first report therein, and the petitioners have, in place of *Murray*, been compelled to engage *Charles Mitchell* as their counsel, who has attended to the same since; and the petitioners had alone borne all the expenses of the suit. Wherefore they prayed, that the same per centage, in proportion to his services, might be allowed to *Charles Mitchell*, as was to be allowed to *Henry M. Murray*, if he had lived, to be ascertained by this court, subject to a like deduction therefrom, of the money advanced by the complainants to him during the progress of this suit, or that this court would be pleased to prevent any further burthen of the counsel-fees in this case upon the petitioners, but that the fund may contribute thereto, under the agreement aforesaid.

17th April, 1826.—BLAND, Chancellor.—The Chancellor has read and considered the foregoing petition. No objection was intimated to him, against the claim of *Henry M. Murray*, until after the argument, and the Chancellor was engaged in deliberating upon and maturing those directions, with which this case has been lately sent to the auditor. The Chancellor knows of no practice of this court, or of any analogous proceeding of the *English* court, which would authorize the introduction of claims of this sort into a cause, depending or about to be finally disposed of. The claim of the solicitors, *Rogers* and *Murray*, he sanctioned under all the very peculiar circumstances which belonged to it, and he considers the objections to it, stated in the foregoing petition, as coming now too late. The claim has been acquiesced in, and could not now be reconsidered without giving *H. M. Murray's* representatives an opportunity of being heard, which cannot now be done. The Chancellor must in all cases leave the contracts between solicitors and suitors, relative to professional services, to be settled and decided upon in like manner as all other contracts. They cannot, and ought not, to be introduced into, and blended with any pending suit. Therefore this petition must be, and is hereby dismissed with costs.

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On the 4th of May, 1826, the auditor reported, that in obedience to the order of the 10th of April last, he had re-stated the