

After which, the trustee filed an account, on oath, with vouchers, on which the auditor reported two statements; one showing the balance in the trustee's hands, due to the legal representatives of *Charles Rogers*, viz: \$2,889 47; and the other showing the balance due to the representatives of *Sarah Rogers*, viz: \$227 83 from the third part of the rents.

12th September, 1810.—KILTY, Chancellor.—It is Ordered, that the said report and statements be confirmed; but before any application of the balance can be made, it is necessary for the court to be informed of the situation of the heirs, to whom their proportions ought to be paid, and their separate receipts, taken according to the will; although it is stated by the trustee, that, they conceive, they have nothing to do with the business. The trustee is directed to report to the chancellor the names, situation, and places of residence of the heirs; and any further knowledge which he may have obtained as to the debts, and the means of paying them; and the object, and present situation of the suit mentioned by him.

The trustee *Vincent* reported, in obedience to this order, that the testator *Charles Rogers* left, at the time of his death, the following children and devisees, namely, *Sarah* wife of *Henry E. Bailey*, *Catharine* wife of *John Diffenderffer*, who were then living; *Ann* wife of *Alexander Martin*, who died without issue about the 4th of May, 1807, after having by will given a legacy to her husband's mother, and devised her estate to her husband's daughter, who then resided in Massachusetts; and *Mary* the wife of *George Lee*, who by her will devised her estate to her husband, who was then living in Baltimore, died leaving no child. That *Sarah* the widow of the testator was then dead, after having by will bequeathed several legacies; but what debts she owed, or what estate she left, except as before reported, this trustee could not say. That the debts of *Charles Rogers* had been all paid, that came to the trustee's knowledge; except a small account in settling of which there had been some little difficulty, but of small consequence. That the devisees *Bailey* and wife, and *Diffenderffer* and wife instituted a suit in Baltimore county court claiming the whole estate, after the death of *Ann Martin* and *Mary Lee* as vested in them, under the will of *Charles Rogers*; and that suit was determined by said court in favor of *Mrs. Bailey* and *Mrs. Diffenderffer* by the opinion of the court, that the estate of said *Rogers* vested in them