

After which, no cause having been shewn, the sale as made and reported by the trustee *Boyle*, was, on the 29th of June, 1829, finally ratified and confirmed. And some time after, a motion was made to adjust the commission on the sale of the 28th of August, 1822, as between the late and the present trustee.

28th May, 1830.—BLAND, *Chancellor*.—Ordered, that a commission be allowed on the sale, ratified by the order of the 17th April, 1823, according to the rule of the court; two-thirds thereof to be awarded to the late trustee; and the residue to the present trustee.

The auditor on the 22d of July, 1830, filed a report, in which he says, that he had stated an account between the estate of *Stephen Scotton*, and the late trustee *Foulke*, in which he had applied the proceeds of the sale of the 28th of August, 1822, as of that day to the payment of the trustee's commission, costs of suit, and the claim of the complainants; leaving a balance of \$427 24 unappropriated. The original decree provides, that the said estate shall be sold for the payment of the claim of the complainants, and such other debts as shall be established to the Chancellor's satisfaction. But no notice has been given to creditors to produce their claims, nor has any other claim been filed.

22d July, 1830.—BLAND, *Chancellor*.—On referring to the order of the first of March, 1827, it will be seen why it is deemed unnecessary now to give notice to the creditors of *Stephen Scotton*, deceased, to bring in their claims, as suggested by the auditor. As this report of the auditor relates exclusively to the application of the proceeds of the first sale, the balance therein spoken of, must remain unappropriated until further order.

Ordered, that the foregoing report and statement of the auditor, be, and the same are hereby ratified and confirmed; and the trustee is directed to apply the proceeds accordingly, with a due proportion of interest, that has been or may be received; reserving the unappropriated balance until further order.

See this case as *Anderson v. Foulke*, 2 H. & G. 346.