

said *Benjamin Mackall*, deceased, was surety on a bond for *Edmund Key*, which bond was given for the purchase money of a tract of land in Prince Georges county; and that the said land is ample security for said debt, and should be applied to its payment in relief of the estate of the deceased party.

*The Bank of the United States*, on the 27th of March, 1831, as claimants No. 4, 5, 6, 7, and 8, also filed exceptions to this report of the auditor. To the plaintiffs' claims No. 1, 2, and 3, for that there is not legal evidence to support said claims; and that the same are barred by the statute of limitations. To claim No. 9; for that the voucher in support of said claim is not legal evidence thereof in this suit; and also, for that the same is barred by the statute of limitations. To claims No. 10, 11, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 29, 30, 32, and 33; for that there is no legal proof in support of either of said claims; and that each of them is barred by the statute of limitations. To all the before mentioned claims, they object, that judgments against the administrators of the deceased are no evidence in a suit instituted for the sale of the real estate; and that the original vouchers, or legal evidence of its existence, if there be any, not being exhibited within the time prescribed by law; and that the same are barred by the statute of limitations. These exceptants moreover insist upon the right to urge these objections as well against the claims of the complainants, as of the other claimants; because these exceptants were not made parties to the bill, and had no opportunity of contesting the same before the decree; and because, if said claims were allowed, although the original defendants to the suit may not be injured thereby, and therefore had no motive for insisting on the objections herein before stated; yet the fund for the payment of the *bona fide* claims of this exceptant would be greatly diminished, and rendered insufficient to pay what is due.

The plaintiffs, by their petition, stated, that among others of the creditors of the deceased, *The Bank of the United States* had filed sundry claims for moneys due to it at its office of Discount and Deposite at Washington in the District of Columbia; and alleged, that one or more of the said claims are secured by a conveyance of a part, or the whole of said real estate, made by the deceased to a certain *Richard Smith*, cashier of said *Bank*, in trust for its use; and they submit, that the said lien shall be respected in all the proceedings in this case. That the *Bank*, by filing its claim, has become a party to this case; but, as the trustee *Richard Smith*