

for dower as widow of the late *Benjamin Mackall*. After which the trustees reported, that they had, on the 15th of October, 1831, sold all those parts of the real estate which had been assigned to her for her dower; which sales were finally ratified on the 20th of January, 1832.

10th November, 1831.—BLAND, Chancellor.—On motion it is *Ordered*, that the report of the auditor, together with all the exceptions thereto; and also all the objections to the claims of the creditors, stand for hearing on the 25th day of January next; and that the parties and creditors be and they are hereby authorized to take testimony in relation to the said report and claims of creditors therein mentioned, before any justice of the peace, on giving three days notice as usual; *Provided*, that the said testimony be taken and filed in the Chancery Office, on or before the tenth day of January next. But to avoid unnecessary delay and trouble; and at the same time to ensure an effectual investigation of the merits of each subject of litigation, it is to be understood, that the notice of the taking of testimony required to be given, must be to the creditor against whose claim the testimony proposed to be taken is to be directed; and if the testimony is proposed to be taken by a creditor in support of his claim, then he must give notice to the defendants in the case or their solicitor; or to two or more creditors or their solicitors.

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The auditor, on the 24th of January, 1832, made a further report, in which he says, that he had examined four additional claims, lately filed in this case, and stated them as No. 34, 35, 36 and 37; that the claim No. 34, is a single bill of the administrator *de bonis non*, of the deceased; and is therefore admitted as against the personal estate; that the claim No. 37 is on a bond executed by *Edmund Key*, *Aquila Beall*, and the deceased, with a condition, that *Key* should prosecute an appeal from a judgment recovered against him by the obligees. A short copy of a judgment against the administrator *de bonis non*, on this bond, is also filed, which proves the claim as against the personal estate. But, in order to prove it as against the real estate, the auditor thinks some evidence must be offered as to the determination of the appeal; and that only one-half of the claim ought to be allowed, unless it is proved, that *Aquila Beall* is insolvent.

After which the plaintiffs, on the 25th of January, 1832, filed the following additional exceptions, in which they insist upon their