

considerable time might be required to collect his proofs and explanations. And as there was already a large sum of money in court, laying unproductive, the auditor had, therefore, thought it best to report immediately, and therein assume, that the administrator was entitled to such an allowance, the right to which might be suspended; so that if it should ultimately be determined against him, a distribution of the amount might be made without disturbing the accounts which were then reported. That he had accordingly stated an account between the administrator *de bonis non*, and the estate; and thereby corrected his former accounts agreeably to the directions given. And after allowing the credits as ordered, with some others proved by the vouchers lately filed, and the sum of \$1,005; there appeared to be a balance in the hands of the administrator of \$3,184 71, as of the 26th of July, 1830, the day of the first sales of the real estate. In all other respects the auditor's statements conform substantially to the directions given.

It appears, that the gross amount of the sales of the real estate were \$16,539 92; from which were deducted \$683 17, for commission allowed to the trustees who made the sales, and \$166 46 for costs; leaving a balance of \$15,681 29 as the neat proceeds of the realty which, with the balance in the hands of the administrator, gave a sum total of \$18,866 to be distributed, in the manner directed, among those of the forty creditors whose claims were not altogether rejected. Four of those creditors, No. 4, 11, 35 and 36, including \$1,000 allowed to the widow as directed, amounting to \$7,873 44, were, upon the principles laid down, entitled to a preference, and were awarded a full satisfaction accordingly. The rest of the creditors who had established their claims were allowed a due proportion of the balance of the estate, amounting to \$9,992 56, according to the amount of their respective claims as directed.

18th June, 1832.—BLAND, Chancellor.—Ordered, that the foregoing report of the auditor be and the same is hereby ratified and confirmed; and the said administrator and trustees are directed to apply the assets and proceeds accordingly with a due proportion of interest. But the final adjustment of the account of the administrator *de bonis non*, and the further extent of his liability are hereby suspended for the reasons suggested by the auditor until further order.

After which the proceeds of the sales, as collected, were, from time to time, brought into court, and distributed, with an allowance