

of the property mentioned in the proceedings for the benefit of all the creditors, according to their several rights and priorities. Upon this bill a decree for a sale passed on the 9th of July, 1849, appointing trustees to make the sale; and by a subsequent order, dated the 29th of November, 1850, the creditors were warned to come in and file the vouchers of their claims within three months from the date of the order, which by the printed certificate filed among the proceedings, appears to have been duly published in two daily newspapers in the city of Baltimore, as therein required.

The trustees having bonded, proceeded to advertise the property for sale; and after two unsuccessful attempts to sell, as shown by their report filed on the 9th of November, 1849, they on the 30th of October of that year, sold the property to Hugh Ely for the sum of \$21,000. The purchaser afterwards, however, objected to the ratification of this sale upon several grounds, which it is not necessary particularly to notice. These objections were overruled, and by an order passed on the 7th of May, 1850, and for the reasons stated by the Court in an opinion accompanying the order, it was adjudged that unless the said purchaser complied with the terms by a day therein limited, the property should be resold by the trustees at his risk. (See 1 *Md. Ch. Decisions*, 392, and 2 *Md. Rep.*, 411, where the two previous opinions of the Chancellor in this case are reported.)

Ely, the first purchaser, not complying as directed, the trustees proceeded after due notice to resell; and on the 25th of June, 1850, made sale of the property to William D. Miller for the sum of \$15,000, and this sale was duly ratified and confirmed on the 18th of November, 1850.

The case having then gone to the Auditor, in conformity with the practice, that officer, on the 7th of June, 1851, made a report distributing the net proceeds of the sale among the creditors of the Okisko Company, but stating objections to a number of the claims for the want of proof, &c. This report, which may be regarded as experimental, though made after the time limited for creditors to come in had expired, was filed