

the trustees' expenses and allowances, which the interest of her late husband bore to the whole partnership estate,) appears to me to be well taken. The administratrix of Hayes is to be regarded as a creditor, and entitled to be paid as any other creditor would be, in preference to the parties who held the estate subject to her claim.

It has already been said, that the bonds to Seal, secured by the mortgage, are, as to the principal sums, to be paid out of the personal estate of Hayes in the hands of his administratrix, if it be sufficient; and that the interest thereon from the death of Hayes until the property was sold, must be paid by the defendants, either from the rents and profits, or out of their proportion of the proceeds of the real estate. The interest from the period of the sales must be paid by the administratrix out of the proceeds of the personal estate. And I have also said, that this court will retain the money, and make the proper application of it in this court, upon the grounds already stated.

But it is not to be understood, that the court will, in this proceeding, discharge the functions of the Orphans' Court, and settle the administration accounts; and, therefore, when the accounts are stated, ascertaining the sum due the complainant, as administratrix of her husband, after deducting therefrom the amount payable on the mortgage debt, the residue will be paid over to her, to be accounted for in the Orphans' Court of the proper county.

It may also be said, that I approve of the mode in which the Auditor has stated the trustees' commissions on the several sales, (the trustees having calculated the commissions separately on each sale, when made at different epochs, and not treated the sales as made at one time;) and that in charging interest on Seal's bonds, he should charge up to the mean day of sale.

Many of the exceptions going to the details of the accounts, it is not necessary to decide, as the present questions which will be considered by the Orphans' Court, when the accounts of the administratrix are stated there.

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[No appeal was taken from this order.]