

report upon various grounds. Some of the exceptions were ruled good by the chancellor, and the auditor was directed to correct his report. The auditor having corrected his report, the same was ratified by the chancellor, stating that there was due to the complainant from the defendants, on the 1st of August 1801, provided they have assets, &c. the sum of £44,3.8 11 6, in which sum interest is included to that day, and of which sum five parts of seven are due to the complainant as executor of *Garrett*, and the other two parts as administrator *de bonis non* of *Dicks*. The chancellor afterwards by his decree directed that each of the defendants account with the complainant for the amount or value of the property which is or hath been in his or her hands, and which hath come to him or her, claiming mediately or immediately under *Jacob Giles*, deceased, &c. Reports were accordingly made by the auditor. To which there were various exceptions. Some of which were allowed, &c. and the chancellor, on the 28th of November 1803, decreed, that *A. Giles*, one of the defendants, pay to the complainant the sum of £3,295 2 6, with interest from the 23d of October 1800; that *W. Smith*, one other of the defendants, pay to the complainant £2,500, with interest, &c. That *E. Giles*, one other of the defendants, pay to the complainant £750, with interest, &c. That *S. Gover* and wife, others of the defendants, pay to the complainant £717 3 9, with interest, &c. and that *Sarah Gover*, one other of the defendants, pay to the complainant £684 7 6, with interest, &c.

*Gover*, and wife, petitioned the chancellor for leave to appeal from the decree to the court of appeals; and filed a bond with sureties, to prosecute the appeal, &c.

HANSON, Chancellor, (December 23, 1803.) The chancellor has considered the petition of *Gover* and wife, and is clearly of opinion, after hearing the argument of the complainant's counsel, that an appeal properly lies in this case; and therefore that the defendants are entitled to have the prayer of their petition granted.

Nothing is better established in chancery than that an appeal lies from an interlocutory decree. It is true, that in this cause the chancellor formerly passed a final decree. But the judges of dernier resort, on an appeal, reversed his decree, and directed an account to be taken between the parties. They were of opinion then,

1810.

Gover  
vs  
Hall