

and Samuel * Vansant and Mary Ann his wife, or their solicitors on or before the twenty-third instant. **414**

After which the matter was brought before the Court, and having been discussed by the solicitors of the parties, the case was informally referred to the auditor for the purpose of stating accounts upon the principles assumed by the respective parties. But, as they could not agree as to some points deemed important, the case was again submitted to the Chancellor for his instructions upon the following questions;

“Can the heirs-at-law of Brown, in this stage of the proceedings, impeach the correctness of the administration accounts? Are those accounts to be presumed correct until the contrary is shewn by the heirs-at-law, or are the petitioning creditors bound in the first instance to prove the correctness of said accounts? Can those accounts be opened for the purpose of charging interest on balances in the hands of the administrators at any time prior to the passing of the final account?”

BLAND, C., 6th July, 1827.—The decree for a sale, having been founded upon the fact of the insufficiency of the deceased's personal estate to pay his debts, has necessarily established that point. Therefore the correctness of the administrator's accounts cannot now be impeached by the heir for the purpose of turning any creditor, who comes in after that decree, away from the pursuit of the real assets under it, to seek payment out of the personal assets. This general expression of his opinion, the Chancellor conceives, will be a sufficient answer to the three questions submitted. But if the solicitors have other views, or wish for more special directions, the Chancellor would rather hear them first.

Whereupon it is ordered, that this case be and the same is hereby referred to the auditor with directions to state an account accordingly, or such other accounts as may be required by either party.

On the 5th of September, 1827, the auditor returned and filed his report of sundry statements made according to the nature of the case and as required by the parties. To this report both parties excepted, and the case was thus again brought before the Court.

BLAND, C., 4th October, 1827.—The matter of the petitions filed in this case by Marriott and Shipley, and by Vansant with that of Stockett and wife in opposition thereto standing ready * for hearing, and the solicitors of the parties having been heard, the proceedings were read and considered. **415**