

produce of the real assets, and take it from any one in whose hands it may be found. *Ex parte Morton*, 5 Ves. 449. These principles

be answerable for the reasonable value of the said lands to him devised, as they were without improvements, at the time of the death of the said Henry, after deducting the amount of the mortgage money paid by him, this defendant.

The administrator Francis, by his answer, admitted, that he was a devisee and as such held a portion of the real estate of his father; and said that he had no assets in his possession, and had fully administered the same, and had paid away of his own money, in discharge of the debts of the said Henry above and beyond the personal property of the said Henry, which had come to his possession as administrator, upwards of seventy pounds current money, computing dollars at six shillings, as would appear by his account passed in the commissary's office, which he annexed and prayed to be received as a part of his answer, which amount he was in equity entitled to retain against any creditors of the said Henry out of the value of the said property devised to him.

The infant defendant Nathan Baker, answering by his guardian *ad litem*, admitted, that he held possession as heir of his father Jethro, the tract called Vanbibber's Forest, which was devised to him by the late Henry. And he also averred, that the administrator had in his hands, unaccounted for, assets sufficient to pay all the debts of the deceased.

Upon which commissions were issued and testimony taken and returned, and the case was thereupon brought before the Court.

HANSON, C., 6th January, 1790.—This case standing ready for hearing, and coming on to be heard and debated by counsel as well on the part of the complainant as on the part of the defendants, and the bill, answers and several exhibits aforesaid having been read, and appearing as herein before set forth.

Whereupon it is Decreed, that Robert Craig, the complainant, is entitled to recover and receive from the real estate of Henry Baker, Senior, deceased, the sum of £868 3s. 3d. current money, with interest thereon from the 7th day of May, 1785, that being the day on which the debt due from the said Henry Baker, Senior, was liquidated and ascertained by the auditors chosen by the parties; and that the complainant is further entitled to receive from the said real estate his legal costs by him expended in the prosecution of this suit.

And it is further Decreed, that the defendant Francis Baker, devisee of the said Henry Baker, Senior, hath in his hands the sum of £100 current money, that being the consideration which he received for a house and lot in Charles Town, Cecil County, sold by him, and which house and lot had been devised to the said Francis Baker, by the said Henry Baker, Senior, and was liable to the payment and satisfaction of the debt and interest thereon due to the complainant.

And it is further Decreed, that the same sum of £100, and interest thereon from the 7th day of May, 1785, is and shall be assets in the hands of the said Francis Baker, devisee aforesaid, who is hereby ordered to pay the same to the complainant towards satisfaction of his debt, interest thereon and costs aforesaid.

And it is further Decreed, that the defendant Nathan Baker, devisee of Jethro Baker, who was devisee of Henry Baker, Junior, who was devisee of Henry Baker, Senior, hath in his hands the tract of land, called Vanbibber's