

into this creditors' suit as a co-plaintiff, paying a proportion of the expenses, &c.

BLAND, C., 23d October, 1829.—It has long been the practice to allow a creditor to come in at any time after a creditor's bill, such as this is, has been filed; and before as well as after a decree to account has been passed before the assets have been actually distributed. *Strike's Case*, 1 *Bland*, 85. Therefore it is ordered, that the said Elizabeth Blair be and she is hereby admitted as a party plaintiff in this suit upon the terms prayed.

On the 8th of December, 1829, the defendant put in an answer purporting to respond to all the matters of the bill; and then adding thereto a plea of a prior suit and decree, in the Orphans' Court of Baltimore County, embracing the same matter in bar of this suit.

To this answer and plea the plaintiffs took the following exceptions; first, for that the said defendant has not admitted or denied, that the said executors discounted upwards of \$20,000 in notes and other securities, or what other amount, which the said executors had received for the sale of their testator's property, a few days, and when, before the bond of said defendant was credited to said Clarke's estate, as stated in the said complainant's bill. Second, for that said defendant has not stated when and at what time each and all of the sums of money received and paid by him, and by said executors were received and paid; but has referred to the several accounts of the executors returned to the Orphans' Court, and exhibited with said complainants' bill, to shew when the amounts were paid and received, whereas said accounts do not shew when said several amounts were paid or received. Third
256 * because said defendant has not brought into this Court the books of account of said James Clarke, nor offered to do so; nor has he produced and brought into this Court, nor offered to do so, the bond of said defendant to said Clarke; and has assigned no reason for his omission to do so. The plaintiffs then go on to state six other exceptions to the sufficiency of the answer; and then they say tenth, because the said answer is accompanied by, or incorporates a plea which covers the whole matter of said bill of complainant; and which, if good and sufficient, would render said answer incompatible, expensive, and unnecessary. And is otherwise, and in other respects evasive, and insufficient. Whereupon an order was passed appointing a day for hearing these exceptions. After which the matter was brought before the Court.

BLAND, C., 14th January, 1830.—The exceptions to the answer of the defendant standing ready for hearing, and having been