

be sufficient to discharge my debts, then I direct that my executors pay the balance of my debts from my estate generally; and from the rents and profits thereof; and I request, and will, that they give bond for their payment; and that no administration on my estate be had in the ordinary manner; but that the property devised to my sons and daughters and to my grandson, shall contribute in equal proportions to the discharge of my debts, to be applied and used in such manner as my executors may deem most advisable and beneficial.”

After which, on the 19th of October, 1822, he added a codicil to this will, in which he made some other dispositions of his property, and concluded in these words, “I devise and direct, that all the rest and residue of the lands which I purchased of the Miss Hoods, after deducting therefrom the part above devised to my son John and his heirs, shall be sold by my executors, and the proceeds thereof applied to the payment of my debts. It is my will and desire and I do hereby direct and devise, that all debts due me by bond, note, open account or otherwise, with the exception of the mortgage debt due by John W. Dorsey, and which I have herein before devised to my daughter Harriet, shall be assets in the hands of my executors to be applied to the payment of my just debts, and whatever surplus there may remain, I give and devise to my wife Elizabeth Hammond. Whereas in and by said will I have bequeathed to my son Charles three negroes, named Dinal, Amy, and Andrew, and to my daughter Harriet two others, named Margaret, and Rose; since which time I have parted with all property in said negroes, I do therefore, in lieu of the said devises, give and bequeath to my said son Charles the sum of \$700, and to my said daughter Harriet the sum of \$300 respectively.”

The bill further states, that after the death of the testator his will was proved; that the executors therein named obtained letters testamentary, giving security to pay all debts and legacies according to law, and have acted accordingly; that the testator's personal estate would not be sufficient to pay his debts; and, that Henry Hammond, one of the devisees, had, since the death of the testator, died without children, and unmarried. Whereupon it was prayed that an account be stated so as to shew how the estate of the testator had been disposed of by his executors; and what \* amount, if any, of his debts yet remained unsatisfied; that the several devisees might be compelled to contribute according to the requisitions of the will, to such of the debts as yet remained unsatisfied; and that the plaintiffs might have such other relief as the nature of their case might require.

The defendant Rezin by his answer admitted, that, in the manner as stated, he had taken upon himself the office of one of the executors of the will of the late Philip Hammond, in which the