

\$2,047.29; and that there was due from the defendant Rezin \$555.19; that the outstanding claims against the testators, as then shewn, amounted to \$3,086.29; that Charles and Harriet claimed to have their legacies charged against the general fund, which, if allowed, would leave the sum of \$5,908.39 to be provided for; that assuming this as the amount to be raised from the estate, he had stated the amount of contribution with which the respective devisees were chargeable; that there was a debt due to the estate amounting to \$605 with interest and costs, which had not then been collected; and of the parcel of land devised to be sold for the payment of debts, there remained one hundred and fifteen acres yet to be disposed of; neither of which items had been included in his estimate of the estate.

To this report of the auditor the defendant Rezin excepted; because Charles and Harriet had been allowed their legacies out of the general fund to the prejudice of the other devisees.

The parties Thomas, Charles, Rezin, and Elizabeth, as executors of the late Philip Hammond, by their petition stated, that a judgment had been recovered against them, and their sureties, on their bond, as executors, for the use of Nicholas G. Ridgely for **312** * the sum of \$471.36, with interest and costs, it being a debt due from their testator; and that Ridgely had sued out a *fiery facias* against them. Whereupon they prayed that he might be restrained from proceeding at law, &c.

On the 29th of September, 1829, an injunction was granted as prayed.

The plaintiffs, with the leave of the Court, on the 28th of October, 1829, so amended their bill as to make Ann Hammond, the wife, and Matthias Hammond, Denton Hammond, Susan Hammond, and Ann Hammond, the infant children of the defendant Rezin; and Harriet Hammond, the wife, with Henry Hammond, Thomas Hammond, and Margaret Hammond, the infant children of the plaintiff John, parties to this suit, on the ground of their having an interest in the estate of the testator under his will. The adult defendants put in their answers, and the infant defendants answering by their guardian *ad litem* to this amended bill, admitted all the facts as set forth by the plaintiffs.

On the 7th of November, 1829, the parties filed the following agreement: "Whereas there is a cause now depending in the Court of Chancery, for the settlement of the estate of Philip Hammond, deceased; and it is ascertained, that the estate specially devised by said Hammond, for payment of debts, is insufficient for that purpose; and whereas there is some doubt whether the contribution provided for by the will, should be made by the devisees of said Hammond, equally, or in proportion to the value of the property severally devised to them. It is, therefore, agreed, in order to save expense, that said doubt shall be submitted to the