

156; *Tidd Pra.* 1131; *Howard v. Warfield*, 4 *H. & McH.* 38; *Contee v. Findley*, 1 *H. & J.* 331; *Butcher v. Norwood*, 1 *H. & J.* 485; *Gwinn v. Whitaker*, 1 *H. & J.* 754; *Pottenger v. Steuart*, 3 *H. & J.* 360. In England interest is allowed upon the whole amount of the debt, thus ascertained by a judgment at law, or an

interest to be paid by the purchaser, and the interest due to the creditors may run from the same day. There appeared to the Chancellor no other method of avoiding perplexity. Debts due in tobacco have always been reduced to money at the price tobacco bore on that day. For, if the money to arise from the sale were already deposited in Court for the benefit of the creditors, they would receive just so much as the tobacco due to them would be then worth; and it were better for them to receive the money at once, than receive the tobacco, and have the trouble, expense, and risk of converting it into cash. Well, but as the money is not deposited, the claims are to bear interest, which is discharged with the interest paid by the purchaser.

This practice appears to the Chancellor unexceptionable. It is a principle of this Court, that the amount of a claim here liquidated shall bear interest from the time of its liquidation. Is it not proper, then, that there be one day for the liquidation of all the claims against one estate? What day can be so proper as that from which the purchasers are chargeable with interest? Can it be conceived, that a tobacco debt is never to be liquidated until the money is brought into Court? If that were the case, it would be impossible to ascertain the dividends of an insolvent estate until the money should be actually brought in. Would not great inconvenience be the result? Can it be conceived right, on any ground, that the value of the tobacco debt, which must at last be discharged in money, be subject to fluctuation until the time of actual payment? Is it not consistent with the spirit of this Court, that one general rule should govern, so far as general rules can govern, all the cases of this kind, as well as of every other? And what general rule could be more just, with respect to tobacco claims, than the rule adopted, viz. that the day of sale shall be the day for adjusting the claims, the day to which interest shall be calculated, and on which the whole claim shall be consolidated with principal; the day on which the value of the tobacco, wheat, or other article, due from the deceased shall be inquired into? It is intimated that the commutation of money into tobacco is a fair speculation, &c. Suppose, then, that tobacco, since the day of sale, had fallen in price, would it appear just that the claim should be curtailed on that account, after it had been once ascertained?

On the whole, it appears to the Chancellor that the account No. 1, returned by the auditor, and not excepted against by the creditors or heir, allows the aforesaid executors as much as they can in reason claim. It is, therefore, adjudged and Ordered, that the said account be admitted, and that the exceptions of the said executors be overruled.

After which, the case was again brought before the Court for further directions as to the claim of John A. Frazier.

HANSON, C., 28th December, 1798.—Ordered, that the Chancellor will, on the first day of March next, decide on the claim of John A. Frazier against the estate of Alexander Frazier; and that depositions, taken before any Judge or justice, on two days notice, shall be received as evidence on hearing of the said claim. The objections against the said claim being made by