

But the plaintiffs are here asking a Court of equity to enforce the payment of this annuity—an annuity, given by a will, is, for *many purposes, treated as a legacy, and so consid-

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from the 27th day of September, 1781, and for the whole of the said profits from the 7th day of February, 1785, until the end of the year 1786, deducting thence all sums expended by the said Railey in the maintenance, support and education of the complainant: and his proportionable part of all taxes paid for the said land whilst in the possession of the said Railey, or his executor; and also for interest on the balance from the 2d day of September, 1787, that being the day whereon the complainant attained his full age as aforesaid.

And it is further Decreed, that the auditor state the said account, and that, in so doing, he state the yearly value of the land to be so much as it is proved the said Railey rented out the same for during one year, deducting a reasonable allowance for the articles belonging to the said Railey, which were let to the tenant along with the land: and that the auditor likewise take an account of the personal estate of the said John Railey, or assets which have come to the hands of the said John Chaires, and the disbursements of the said Chaires, as executor of the said Railey: and that the auditor report the said accounts, subject to the exceptions of the parties, and to be done with as to the Chancellor shall seem just and proper.

The auditor made a report accordingly, by which it appeared, that the executor Chaires had overpaid, and that the personal estate of John Railey deceased, was exhausted. Upon which the case was again brought before the Court.

HANSON, C., 20th December, 1793.—On motion of the complainant it is Ordered, that the report of the auditor, and the account by him stated, agreeably to the interlocutory decree, be taken and considered as a ground for the relief prayed, and for making the lands which have descended from the said Railey, and which are in the hands of the defendant Thomas Callahan, answerable for the deficiency of the personal estate of the said Railey; unless the contrary be shewn by the said Callahan on or before the first Tuesday in February next: provided a copy of this order be served on the said Callahan before the twenty-fifth day of January next.

A copy of this order having been served as required, and no sufficient cause having been shewn, the case was submitted, without argument, for a final decree.

HANSON, C., 23d June, 1794.—The said cause standing ready for final decision, and being submitted, and the bill, answer, exhibits, auditor's report, and all other proceedings being by the Chancellor read and considered:

It is thereupon Decreed, that unless the defendant Thomas Callahan shall pay unto the complainant Christopher Cox the sums stated by the auditor to be to him due, amounting to £282 19s. 0d. current money, with interest thereon from the 23d of March, 1787, the several tracts of land called Good Increase, Railey's Hazard, Railey's Chance, and a part of a tract of land called Shetland, supposed to lie in Queen Ann County, or such of them as descended from the aforesaid John Railey unto Charles Railey, and have, by the said Charles Railey, been devised unto the defendant Thomas Callahan, shall be assets in the hands of the said Callahan, and shall be subject to