

and therefore, while so retained here, they cannot be taken from the \*Chancery office by a *subpœna duces tecum* from any  
**485** other Court. *Winchester v. Fournier*, 2 Ves. 449; *Rex v. Dixon*, 3 Burr. 1687; *Morris v. Creel*, 2 Virg. Ca. 49; *Harris v. Bodenham*, 1 Cond. Chan. Rep. 143. (f) But the party to whom they belong does not relinquish, nor can he be deprived of any right to them merely by their being shewn or brought here as evidence; and therefore they may, after the final determination, be withdrawn at any time, on application, almost as of course on leaving copies; as they do not properly form any part of the pleadings or judicial proceedings of the Court. *Davers v. Davers*, 2 P. Will. 410; *Hodson v. Warrington*, 3 P. Will. 35; *Owen v. Jones*, Anstr. 505; *Maccubbin v. Matthews*, 2 Bland, 251.

But it is well established, that the account itself, which has been thus settled and recorded in an Orphans' Court, is not, in any respect conclusive, either in favor of or against the executor or administrator; and therefore, it is of the greatest importance to himself, that he should be permitted to retain in his own hands all his vouchers, as the muniments of his account, in case it should be questioned elsewhere, or he should be called to a more rigid settlement before another tribunal. *Scott v. Dorsey*, 1 H. & J. 231; *Spedden v. The State*, 3 H. & J. 251; *Gist v. Cockey*, 7 H. & J. 139; *Owens v. Collinson*, 3 G. & J. 37; *Anderson v. Fox*, 2 Hen. & Mun. 259.

I am therefore of opinion, that no sufficient cause has been shewn why the papers asked for should not be produced; as they cannot, in any sense, be considered as a part of those public records, proceedings or documents properly belonging to the office of register of wills, of which certified copies can be received as evidence.

Whereupon it is ordered, that a peremptory *subpœna duces tecum* issue returnable forthwith.

(f) COLEMORE v. CARROLL.—Bill, *subpœna*.—Upon proof of service last Court, ordered attachment unless appearance.—Answer filed.

19th July, 1725.—Ordered, that all books, papers and vouchers in the answer referred to be subjected to the order of this Court, and lodged with the register for the complainant's perusal; and that he may take copies thereof, if he thinks proper; and the originals to be returned to the defendant within ten days after lodging them. Ordered, that James Carroll, the defendant, pay Mr. Colemore's, the plaintiff's, charge for the copy of those books he lodged, unless he shew cause to the contrary.—*Chancery Proceedings*, lib. J. R. No. 1, fol. 98.

ABINGTON v. STODDART.—Bill and answer.

December, 1729.—Ordered, that the books and papers referred to in the answer be produced this Court in order to be lodged with the register; which were lodged accordingly.—*Chancery Proceedings*, lib. J. R. No. 2, fol. 9.