

But Hagthrop and wife will be held liable for the whole charged against the other defendants, or to the amount which all, or any of them may fail, or be unable to pay to the plaintiff. And these defendants must be credited with the aggregate of the debt which was due from Anthony Hook to John Moale, at the time of the \* execution of the deed to John Hook, with interest thereon from the time when it appears to have been paid. **592**

The account against each of the other defendants will commence from the day on which it appears by his answer, or by the proofs now in the case, or which may hereafter be exhibited, that he obtained possession; and he will be charged for all the time he held that portion of the property, or until it passed into the hands of another of the defendants. The accounts against each of the defendants who is now a holder of any portion of the property is, for so much as he holds, to be brought down to the time of taking the account.

Whereupon it is ordered, that this case be and the same is hereby referred to the auditor with directions to state an account, or accounts accordingly from the proceedings and proofs now in the case, and such other proofs as may be laid before him. And it is further ordered that the parties be and they are hereby allowed to take testimony in relation to the accounts, so directed to be stated, on giving three days notice as usual. Provided, that the testimony be taken and filed with the register on or before the fifteenth day of January next.

From this order the defendants appealed on the 12th of February, 1827. And the same day, on their petition, the time for taking and returning testimony under it was enlarged to the 16th of April following. At the same time an agreement was filed with a deed from John Hook to Patrick Bennett, bearing date on the first of January, 1799; by which agreement it is said, "that upon the final decree to be passed the lot or parcel of ground contained in that deed, and which has since been conveyed to Harriet Chittenden, shall be excluded from the decree." Upon which the Chancellor made a memorandum, that in any future order or decree, that agreement should be noticed and respected. On the first of January, 1828, the auditor filed his report and accounts made up to the 17th of November, 1827.

The plaintiff by his petition stated, that the defendant Edward Hagthrop was in possession of a large proportion of the property in the proceedings mentioned; that he was receiving rents from the tenants of it to the amount of \$1,200 per annum; that he was in desperate circumstances and without credit, so that when finally called upon to pay the moneys collected by him he would apply for the benefit of the insolvent law; that the defendant Barbara,