

upon the report of the Auditor, and seeing no exceptions to the admissibility of the proof, may well have supposed the claim would be allowed. The claim, with all the evidence in support of it, was filed on the 21st of March, 1849. The report of the Auditor allowing it was filed on the 13th of February, 1850, and it is not until the 20th of July, 1850, the day fixed for the hearing, that the admissibility of the proof is excepted to. Under these circumstances, I think justice requires that some further time be given to establish this claim.

No. 6 is barred by limitations, and must be rejected so far as the objecting party is concerned.

The exception to claim No. 1, being the claim of the executors of Joseph Reynolds, I do not think well taken. The claim is founded upon a judgment against Thomas Mackall, rendered at March Term, 1833, and revived by *scire facias* at March Term, 1844. The judgment was for the penalty of the bond sued upon, to be released on the payment of such sum as certain persons named should say was due; and it is contended, that because these persons did not ascertain the sum due until after the death of Mackall, no use can be made of the judgment here. In other words, the objection I presume is, that the judgment was only interlocutory, and that a final judgment could not be rendered after the death of the defendant. But this is an error. The judgment was final, and to make it absolute no further action of the Court was necessary. The filing of the certificate of the parties authorized to ascertain the sum, upon payment of which the judgment was to be released, was all that was required for the purpose. *Turner vs. Plowden* 5 G. & J., 52. The exception to this claim will therefore be overruled.

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[The Chancellor then passed an order, referring the cause to the Auditor, the terms of which are stated in the following opinion, delivered upon a further hearing of the case.]

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THE CHANCELLOR :

In the order passed by this Court on the 27th of July, 1850,