

Claims Nos. 3 and 5, were preferred by Elizabeth and Susan Shepherd. They consist of two accounts against the deceased, by each of the claimants, exactly alike in every particular. They each charge the deceased with the hire of a negro woman from the 1st January, 1832, to the 1st of January 1848, at \$20 per annum, \$320, and cash lent at sundry times \$93. When these claims were preferred against the personal estate in the Orphans Court, they were disputed by the administrator, and that court passed them for only \$75, and it was insisted that the decision of that court standing unreversed, concludes these claimants. It is a decision on the *primary* fund for the payment of debts, in which the representative of the personalty, who holds all the vouchers and other proofs of the estate was the defendant, and is a judgment concluding the claimants as to all *secondary* funds which may be pursued by them, as much as a judgment at law against the claim where the administrator was defendant at the claimant's suit would bar any proceeding against the heir. It was also objected that these claims were barred by limitations except as to the last three years of the hire of the servant, and were not proved.

Claims Nos. 4 and 6, were two single bills, executed by the deceased, the one for \$530 09, in favor of Susan Shepherd, and dated the 14th of September, 1845, the other for \$810 79, in favor of Elizabeth Shepherd, and dated the 29th of October, 1840. These claims constituted the claims upon which the bill was filed for the sale of the real estate.

Upon these several claims and exceptions thereto, the Chancellor delivered the following opinion.]

THE CHANCELLOR:

I have considered the exceptions to the report of the Auditor and carefully read the evidence and arguments of the counsel of the parties, and am of opinion.

1st. That claim No. 1, *exhibit A.*, is proved, except with reference to the 4th item thereof, and with the further exception that the charge for building the overseer's house should be reduced to \$60, according to the proof of James Owens, Sen.