

it was prayed, that, for the benefit of themselves and the other creditors of the deceased who might be permitted to come in, the surviving executor might be ordered to account; that the creditors might be paid, &c.

After which *Elizabeth Blair*, executrix of *William Blair*, deceased, by her petition stated, that she had, at September term, 1824, of Baltimore County Court, recovered a judgment against the executors of *Clarke* for the sum of \$1000, with interest from the 23d of May, 1814, and costs, to bind assets; which debt had not been paid. Whereupon she prayed to be admitted to come into this creditors' suit as a co-plaintiff, paying a proportion of the expenses, &c.

23d October, 1829.—BLAND, *Chancellor*.—It has long been the practice to allow a creditor to come in at any time after a creditor's bill, such as this is, has been filed; and before as well as after a decree to account has been passed before the assets have been actually distributed. (a) Therefore it is *Ordered*, that the said *Elizabeth Blair* be and she is hereby admitted as a party plaintiff in this suit upon the terms prayed.

On the 8th of December, 1829, the defendant put in an answer purporting to respond to all the matters of the bill; and then adding thereto a plea of a prior suit and decree, in the Orphans Court of Baltimore County, embracing the same matter in bar of this suit.

To this answer and plea the plaintiffs took the following exceptions; *first*, for that the said defendant has not admitted or denied, that the said executors discounted upwards of \$20,000 in notes and other securities, or what other amount, which the said executors had received for the sale of their testator's property, a few days, and when, before the bond of said defendant was credited to said *Clarke's* estate, as stated in the said complainant's bill. *Second*, for that said defendant has not stated when and at what time each and all of the sums of money received and paid by him, and by said executors were received and paid; but has referred to the several accounts of the executors returned to the Orphans Court, and exhibited with said complainants' bill, to shew when the amounts were paid and received, whereas said accounts do not shew when said several amounts were paid or received. *Third*,

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(a) *Strike's Case*, 1 Bland, 85.