

hereafter come to her hands as executrix or otherwise, up to the 20th day of November next. Provided, that a copy of this order together with a copy of the foregoing petition be served on the said *Eleanor Dawson*, on or before the 20th day of October next.

These parties afterwards, by their petition on oath, stated, that the defendant *Eleanor Dawson*, had left this state; was then beyond sea; and the date of her probable return, or the certainty that she ever would return, was not within their knowledge. Whereupon they prayed, that the court would direct that their petition and the order thereupon should be published, warning the said *Eleanor Dawson* to comply therewith; or that they should have such other relief as might be deemed proper.

15th October, 1832.—BLAND, Chancellor.—Ordered, that the time limited for the said defendant's bringing into this court the said sum of money, and for rendering an account of the assets be and the same is hereby extended to the 16th day of January next. Provided that a copy of this order, together with a copy of the said order of the 28th day of September last, be published in some newspaper three times a week, for three successive weeks, before the 15th of November next. (y)

#### HAMMOND v. HAMMOND.

The auditor may summon a witness to attend and give evidence before him; and on his failing to do so, the court will compel him to attend and testify.—In general, pecuniary legacies bear interest from the end of one year from the death of the testator.—Where one legacy is substituted for another, the substitute will, in general, carry with it the same incidents as the original.

How far lands in possession, reversion, or remainder, in the hands of an heir or devisee, are liable for debt at common law, or by statute.—The cases in which a creditor's suit may be sustained; or in which the court will take upon itself the administration of an estate.—The form and necessary allegations of a creditor's bill.—The proper and necessary parties to a creditor's suit.—The plaintiff must have an interest in common with the other creditors; and therefore a mortgagee, or a vendor, having an equitable lien, cannot, merely as such, sustain a creditor's suit.—A creditor's suit may be engrafted on another suit having a different object.—Simple contract creditors cannot sue and recover, at law, from the heir, merely in respect of assets descended; but must file a creditor's bill.—In a creditor's suit, the parol shall not demur; and the heir or devisee may be made to account for the rents and profits.—The claims of all, or of some one of the creditors; and the insufficiency