

amount, if any, of his debts yet remained unsatisfied; that the several devisees might be compelled to contribute according to the requisitions of the will, to such of the debts as yet remained unsatisfied; and that the plaintiffs might have such other relief as the nature of their case might require.

The defendant *Rezin* by his answer admitted, that, in the manner as stated, he had taken upon himself the office of one of the executors of the will of the late *Philip Hammond*, in which the devises and bequests had been made as set forth in the bill; that he had collected several sums of money, and had taken into his possession some of the personal estate of the testator; that he had stated an account with the plaintiff *Charles* and the defendant *Elizabeth*, from which it appeared, that he had paid \$300 more than he had received; and that he was then ready and willing to account. The defendant *Elizabeth*, by her answer, admitted the facts as stated in the bill; and averred, that no part of the assets had come to her hands as executrix. The infant defendants *Matilda*, *Harriet*, and *Philip*, answering by their guardian *ad litem*, said, that they had no knowledge of the matter, and submitted their interests to the protection of the court.

The plaintiffs put in a general replication to these answers; upon which a commission was issued, and testimony taken and returned. After which the case was brought before the court, that a decree to account might be passed by consent.

27th August, 1828.—BLAND, Chancellor.—This case standing ready for hearing and being submitted, the proceedings were read and considered. Whereupon it is DECREED, that the auditor take an account of the real and personal estate of the late *Philip Hammond* which came to the hands of the said *Elizabeth Hammond*, *Rezin Hammond*, *Thomas Hammond*, and *Charles Hammond*, as executors or otherwise of the late *Philip Hammond*; and of the manner in which the same may have been administered or distributed. And also an account of the debts due and owing from the said late *Philip Hammond* at the time of his death which are yet remaining unpaid. And that the auditor state said accounts from the pleadings and proofs now in the case, and from such other evidence as the parties may have taken before him, or have taken before any justice of the peace, on giving three days notice as usual, and lay before him.