

After which the case was brought before the court to have the creditors of the testator called in, for the purpose of having the assets properly administered, and of making a final settlement and distribution of the estate.

17th September, 1828.—BLAND, *Chancellor*.—Ordered, that the creditors of *Philip Hammond*, late of Anne Arundel county, deceased, file the vouchers of their claims in the chancery office on or before the 17th day of January next. And that a copy of this order be inserted in some newspaper or newspapers once in each of three successive weeks before the 17th day of October next.

The object of this suit being to adjust the rights and liabilities of the respective parties, as claimants under the will of *Philip Hammond*, deceased, it was obviously liable to abate by the death of any one of them, whose interest did not survive or fall into the common stock for the benefit of any one or all of the others; although as regarded the creditors of the deceased, it was to be treated as a mere creditor's suit. Therefore, on the death of the plaintiff *Philip Hammond*, the surviving plaintiffs filed a supplemental bill of revivor against his widow *Juliana Hammond*, and his infant children *Philip Hammond*, *Marianna Hammond*, *Harriet Hammond*, *Edward Hammond*, and *Cecelia Hammond*; who all answered and admitted the facts as stated in the bill.

The auditor reported, that in consequence of the imperfect state of the accounts and vouchers of the defendant *Rezin*, who was one of the executors, he had taken unusual pains to prepare his account; that he, the auditor, had made a statement, to make a report of which to the court, the affidavit of *Rezin* was necessary; that several days had been appointed for him to appear and verify the statement; but he had failed to do so; from which, and his conduct the auditor alleged, that he was convinced he should be unable to report any account unless *Rezin* should be compelled to attend.

8th August, 1829.—BLAND, *Chancellor*.—It having been made the duty of the auditor to state such accounts as the Chancellor may direct; and as he has, for that purpose, been clothed with authority to administer an oath to all witnesses and persons proper to be examined upon such accounts; (a) it necessarily follows, that, here as in England on a reference to a master, where an exe-

---

(a) 1785, ch. 72, s. 17.