

cutor, as in this instance, or other party has been decreed or ordered to account, he may be called before the auditor and examined on oath upon interrogatories in relation to such account. The answers of a party to interrogatories being, in such case, considered in the nature of an answer to the bill, may, in the same way, be excepted to for insufficiency. And such party may be compelled by attachment, if necessary, to attend before the auditor, and to answer as required. (b)

Ordered, that the said *Rezin Hammond* forthwith attend before the auditor, and give such information and testimony, or make such affidavit as may be deemed pertinent and necessary to enable the auditor to state such an account as he has been directed to state, or the nature of the case may require; provided, that a copy of this order be served on the said *Rezin Hammond*.

The auditor on the 25th of August, 1829, filed his report of the accounts which he had stated in obedience to the decree of the 27th of August, 1828, in which he set forth, that the overpayments of *Charles*, *Thomas*, and *Elizabeth*, amounted together to \$2,047 29; and that there was due from the defendant *Rezin* \$555 19; that the outstanding claims against the testators, as then shewn, amounted to \$3,086 29; that *Charles* and *Harriet* claimed to have their legacies charged against the general fund, which, if allowed, would leave the sum of \$5,908 39 to be provided for; that, assuming this as the amount to be raised from the estate, he had stated the amount of contribution with which the respective devisees were chargeable; that there was a debt due to the estate amounting to \$605 with interest and costs, which had not then been collected; and of the parcel of land devised to be sold for the payment of debts, there remained one hundred and fifteen acres yet to be disposed of; neither of which items had been included in his estimate of the estate.

To this report of the auditor the defendant *Rezin* excepted; because *Charles* and *Harriet* had been allowed their legacies out of the general fund to the prejudice of the other devisees.

The parties *Thomas*, *Charles*, *Rezin*, and *Elizabeth*, as executors of the late *Philip Hammond*, by their petition stated, that a judgment had been recovered against them, and their sureties, on their bond, as executors, for the use of *Nicholas G. Ridgely* for