deducted from it. In so far as the executors, into whose hands a sufficiency of assets came to satisfy those two legacies failed to do so, they are chargeable with a *devastavit;* and consequently, they alone are liable for the whole amount, principal and interest; and the legatees cannot be allowed to take the place of creditors and have the amount raised by contribution from the devisees.

It is, in general, true, that pecuniary legacies bear interest from the end of one year after letters testamentary have been granted, allowing that time for the executors to collect the effects of the deceased. (*c*) In this instance, there appears to be an additional reason why interest should be allowed from that time on these legacies; and that is, their having been expressly declared to be in lieu of certain specific legacies which, if they had not been withdrawn, should have been delivered immediately, and could have been at once made profitable to the legatees; thus indicating it to have been the intention of the testator himself, that interest should be allowed as a substitute for the profits of the slaves in lieu of which the money was given; since it is in general, true, that where one legacy is substituted for another, the substitute will be attended with the same incidents as the original. (*d*) I am therefore of opinion that interest on these sums has been correctly charged.

It is alleged, that the whole fund, set apart by the testator for the payment of his debts, will not be sufficient for that purpose; and it is upon the truth of this fact, that the plaintiffs claim to have the assets accounted for by the executors; to have the amount of the unsatisfied claims against the deceased ascertained; and to have the other devisees compelled to contribute to the payment of such debts, according to the terms of the will. Although all the executors, and the legatees *Charles* and *Harriet*, as such, with all the devisees who have been charged with contribution by the will, have been made parties to this bill; yet it is not alleged, that the suit has been instituted generally for the benefit of those interested in the correct distribution of the real or personal assets of the testator; or for the benefit of those creditors and others who may have an interest in the fund appropriated by the testator for the payment of his debts. The bill contains no distinct and express allegation, that the plaintiffs had instituted this suit, as

(*c*) Maxwell *v.* Wettenhall, 2 P. Will. 26; Pearson *v.* Pearson, 1 Scho. & Lefr. 11.—(*d*) Chatteris *v.* Young, 6 Mad. 31; S. C. 3 Cond. Cha. Rep. 72.