

quently the amount to be made up by contribution from the devisees, cannot be adjusted and determined until that has been sold, and the proceeds brought in and applied in satisfaction of the debts.

It is also represented, that some of the executors have overpaid. According to the course of the court, in such cases, the executor takes the place of the creditor whose claim he has thus satisfied, and is allowed interest accordingly. I see nothing erroneous in the mode of charging interest as stated in the accounts reported by the auditor.

Whereupon, it is *Ordered*, that the exceptions to the auditor's report be over-ruled, and the case is hereby again referred to the auditor, with directions to state an account accordingly, after the whole fund set apart by the will and codicil shall have been applied as therein directed; which may be effected either by a sale of so much of it as yet remains undisposed of, under a decree to be passed for that purpose, or by having it disposed of and adjusted by consent.

After which, the parties having adjusted some of the matters in controversy by an agreement filed in the case, the auditor made a report of the amount with which each of the devisees was chargeable, as contributors to the sum necessary to be raised to meet the amount of claims against the estate, and the case was again submitted to the court.

4th February, 1830.—BLAND, *Chancellor*.—This case standing ready for hearing, and being submitted, the proceedings were read and considered; whereupon it is *Decreed*, that the auditor's report of the 28th of January last, and his additional report of this day, be, and the same are hereby in all respects ratified and confirmed.

And it is further *Decreed*, that the complainant *Thomas Hammond*, on or before the first day of March next, bring into this court the sum of \$240 37 $\frac{2}{5}$ , with interest thereon from the said 28th of January last; that the defendants *Philip Hammond*, *Marianna Hammond*, *Harriet Hammond*, *Edward Hammond*, and *Cecilia Hammond*, who are the children of *Philip Hammond, Jr.* deceased, on or before the first day of March next, bring into this court the sum of \$555 28 $\frac{2}{5}$ , with interest thereon from the 28th of January last; that the defendant *Rezin Hammond*, on or before the first day of March next, bring into this court the sum of \$1,377 98 $\frac{2}{5}$ , with interest thereon from the 28th of January last; that the complainant *John Hammond*, on or before the first day of March next,