

But the plaintiffs are here asking a Court of Equity to enforce the payment of this annuity—an annuity, given by a will, is, for

depositions, exhibits and other proceedings were by him read and carefully considered. And the matters stated in the bill appearing to him to be true; and he thereon being of opinion, that the complainant is entitled to an account of the profits of his real estate, whilst in the hands of his guardian John Railey, notwithstanding the valuation thereof by appraisers, and to an account also of the profits, whilst the said estate was in the hands of the said Railey's executors; and that the amount of the said profits, after deducting the expenses of maintaining and educating the complainant, and the taxes and other just charges, if any, on the land aforesaid, together with interest on the balance from the time of the complainant's arrival at full age, ought to be paid to him, out of the personal estate of the said Railey, or if that estate be insufficient, out of the real estate which hath descended from the said Railey.

It is thereupon *Decreed*, that the defendant John Chaires do, on oath, account with the complainant for two-thirds of the profits of that part, containing three hundred and seventy-five acres of a tract of land, called Low's Arcadia, which was devised by Christopher Cox, father of the complainant, from the 27th day of September, 1781, and for the whole of the said profits from the 7th day of February, 1785, until the end of the year 1786, deducting thence all sums expended by the said Railey in the maintenance, support and education of the complainant: and his proportionable part of all taxes paid for the said land whilst in the possession of the said Railey, or his executor; and also for interest on the balance from the 2d day of September, 1787, that being the day whereon the complainant attained his full age as aforesaid.

And it is further *Decreed*, that the auditor state the said account, and that, in so doing, he state the yearly value of the land to be so much as it is proved the said Railey rented out the same for during one year, deducting a reasonable allowance for the articles belonging to the said Railey, which were let to the tenant along with the land; and that the auditor likewise take an account of the personal estate of the said John Railey, or assets which have come to the hands of the said John Chaires, and the disbursements of the said Chaires, as executor of the said Railey; and that the auditor report the said accounts, subject to the exceptions of the parties, and to be done with as to the Chancellor shall seem just and proper.

The auditor made a report accordingly, by which it appeared, that the executor Chaires had overpaid, and that the personal estate of John Railey deceased, was exhausted. Upon which the case was again brought before the court.

20th December, 1793.—HANSON, *Chancellor*.—On motion of the complainant it is *Ordered*, that the report of the auditor, and the account by him stated, agreeably to the interlocutory decree, be taken and considered as a ground for the relief prayed, and for making the lands which have descended from the said Railey, and which are in the hands of the defendant Thomas Callahan, answerable for the deficiency of the personal estate of the said Railey; unless the contrary be shewn by the said Callahan on or before the first Tuesday in February next; provided a copy of this order be served on the said Callahan before the twenty-fifth day of January next.

A copy of this order having been served as required, and no sufficient cause having been shewn, the case was submitted, without argument, for a final decree.

23d June, 1794.—HANSON, *Chancellor*.—The said cause standing ready for final decision, and being submitted, and the bill, answer, exhibits, auditor's report, and all other proceedings being by the Chancellor read and considered: