

REPORTS
OF
C A S E S
ARGUED AND DETERMINED
IN THE
SUPREME COURT OF APPEALS
OF
VIRGINIA :
WITH SELECT CASES,
RELATING CHIEFLY TO POINTS OF PRACTICE,
DECIDED BY
THE SUPERIOR COURT OF CHANCERY
FOR
THE RICHMOND DISTRICT.

VOLUME II.

BY WILLIAM W. HENING AND WILLIAM MUNFORD.

FLATBUSH, (N. Y.)

PRINTED AND PUBLISHED BY I. RILEY.

1809.

DISTRICT OF VIRGINIA, TO WIT :

BE IT REMEMBERED, That on the twenty-first day of March, in the thirty-third year of the Independence of the United States of America, WILLIAM W. HENING and WILLIAM MUNFORD, of the said district, have deposited in this office the title of a book, the right whereof they claim as authors, in the words following, to wit :

“ Reports of Cases argued and determined in the Supreme Court of Appeals of Virginia :
“ with Select Cases, relating chiefly to Points of Practice, decided by the Superior Court of
“ Chancery for the Richmond District. Volume II. By William W. Hening and Wil-
“ liam Munford.”

IN CONFORMITY to the act of the Congress of the United States, entitled, “ An act for
“ the encouragement of learning, by securing the copies of maps, charts, and books, to the
“ authors and proprietors of such copies, during the times therein mentioned ;” and also to
an act, entitled, “ An act, supplementary to an act, entitled, an act for the encouragement
“ of learning, by securing the copies of maps, charts and books, to the authors and proprie-
“ tors of such copies, during the times therein mentioned, and extending the benefits thereof
“ to the arts of designing, engraving and etching historical, and other prints.”

WILLIAM MARSHALL,
Clerk of the District of Virginia.

(L. S.)

JUNE, 1808.

June Term,
1808.

Barr against Barr's Administrator.

A DECREE had been entered, in this case, against the defendant for the balance reported against him as administrator. An attorney's fee was taxed. The execution issued against his *own* goods and chattels, and he gave a forthcoming bond.

At this term he moved for a bill of review on two grounds: 1. That the decree should have been entered against the goods and chattels of the *intestate* in his hands to be administered, and not *personally* against himself; and, 2. That an attorney's fee should not have been taxed.

Per Curiam. The object of this suit was not to recover a debt against the *intestate*, but of the *defendant*. The decree was therefore correctly entered, and the *fee* as correctly taxed. Had the suit been for a claim on the *intestate*, then the decree would have been against his goods and chattels in the hands of the defendant to be administered, and no *fee* would have been taxed.

Bill of review denied.



June Term,
1808.

Anderson against Gest.

THE defendant, a resident of *England*, had been ordered by this Court in the time of the late Chancellor, to make up his account of administration of *William Anderson's* estate. The order did not express that it should be done before a Master of this Court; and at this term by his counsel he exhibited an unauthenticated copy of an account reported to the Court of Chancery in *England* by one of its masters, and insisted that, when a duly authenticated copy should be produced, it should be received by the Court here as evidence; or, that, considering his residence, he should be allowed to make up his account of administration before persons in *England*.

The Court cannot appoint commissioners to make up an account out of the state, except by consent of parties.

Per Curiam. This Court cannot change its course on account of the residence of parties. All who are ordered to account must do so, before one of its masters, or before commissioners appointed by it, which it can *only* direct *within* its own jurisdiction, unless the parties consent to commissioners *without*, in which case it is their act, and not the act of the Court, and to which the Court will not object.

JUNE, 1808.

Anderson
v.
Gest.
