

some respects, is not so clear, or so energetic as the ancient course of proceeding.

Whereupon it is *Ordered*, that the time allowed for taking testimony under the order of the 21st of February last, be and the same is hereby enlarged; provided, that the testimony so taken be returned and filed in the chancery office, on or before the 19th instant. And it is further *Ordered*, that the said objection of the said witness; and also those of the defendant *John Diffenderffer*, be and the same are hereby overruled; and the said witnesses are hereby required to answer forthwith and fully to the said interrogatories propounded to them, or either of them.

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Under this order the witnesses were again called before the commissioners, and answered the interrogatories. And extracts from the books of the Mechanics' Bank, of the account of the defendant *John Diffenderffer*, were produced as required; all which were returned by the commissioners on the 10th of June, 1829.

7th October, 1829.—BLAND, Chancellor.—This case standing ready for hearing, on the exceptions to the auditor's report, and for final hearing on the decree to account, the solicitors of the parties were fully heard, and the proceedings read and considered.

I take it to have been finally settled by the judgment of the court, in the case of *Rogers v. Merryman*, to which the widow and the four daughters of the late *Charles Rogers*, were all parties; first, that the debts of the testator had been all properly and correctly paid by the trustee *Vincent*, and that a share of the surplus left, after their payment, having been ordered to be paid to *Catherine Diffenderffer*, who had been a party to that suit, before her marriage, is conclusive upon her, and those claiming under her; because, so long as those orders of the 12th of September, and 15th of December, 1820, remain in full force, and they are not now revisable, she, or any one claiming under her, cannot be permitted, in any way, to question the correctness of the manner in which the debts of *Charles Rogers*, deceased, were paid, which had been so distinctly noticed, considered, and confirmed by those judgments of the court. And in the next place, that it has been finally determined by the judgment of this court, as indicated by the orders of the 25th of March, 1815; the 8th of July, 1816, and the 18th of October, 1819, that this defendant, *John Diffenderffer*,