

There are many civil offices which, according to the common law, a woman is incompetent to fill, such as those of Judges, jus-

states, that the plaintiffs' testator being seized and possessed of a large real and personal estate in iron works carried on in copartnership with a certain Alexander Lawson, in May, 1772, purchased the share held by Lawson, for which he agreed to pay the sum of three thousand pounds sterling; soon after which the testator made a codicil to his will, wherein, among other things, is contained the following devise:

"I give to my two sons, Samuel Dorsey, and Edward Dorsey, and their heirs for ever, to be equally divided between them, to hold as tenants in common all and singular the furnaces and iron works, tracts, pieces and parcels of land, negroes, white servants, horses, cattle, wagons, carts, and stock, of what nature and kind soever, and all and singular the parts, shares, and proportions of the furnace and iron works, tracts, pieces and parcels of land, negroes, white servants, horses, cattle, wagons, carts, and stock of what kind or nature soever, which I have lately purchased from, or contracted to purchase from, and of a certain Alexander Lawson, of Baltimore County, gentleman. And I do further direct, that such part of the consideration money as shall be due and owing to the said Alexander Lawson, for the aforesaid premises at the time of my decease, shall be paid equally, share and share alike, by my said two sons, their heirs, executors, or administrators."

The bill further states, that after the death of the testator these devisees took possession of the estate so devised to them; but having failed to pay the purchase money, Lawson brought suit against the plaintiffs, as executors, and obtained judgment against them, and had issued execution thereon; that Samuel Dorsey, one of the devisees, died some time in the year 1777, intestate, greatly involved in debt, without having paid any part of the debt due to Lawson, and leaving the defendant, his heir-at-law, then a minor, about two years of age; that letters of administration on the estate of Samuel had been granted to his widow, who had paid debts due by him, to an amount greater than his whole personal estate; that the portion of the debt due to Lawson for which the devisee, Edward Dorsey, was liable, had been in part paid, and that there remained due of that debt from the estate of the intestate Samuel, the sum of one thousand five hundred pounds sterling money with interest; for the payment of which his real estate, which had descended to the defendant, was liable. Whereupon it was prayed, that so much of the real estate, which had descended, might be sold as would be sufficient to satisfy the debt then due from the estate of the intestate Samuel.

The exhibits filed with this bill were, the codicil to the will of the testator, Caleb Dorsey; a short copy of the judgment obtained by Lawson against these plaintiffs; and a certificate from the register of wills, that the personal estate of the intestate, Samuel Dorsey, had been overpaid to the amount of £248 14s. 7d. The defendant having been returned summoned, and appearing to be an infant, Edward Dorsey, son of Caleb, was appointed his guardian to appear, answer, and defend this suit on his behalf; who accepted of the guardianship,\* and put in an answer in his name in which he admits the truth of the allegations of the bill, and states, that it would be greatly for his benefit to have a part of his estate sold for the payment of the debt for which it was so liable, (*Pow. Mort.* 916; 1 *Eq. Ca. Abr.* 287.) In addition

\* In most of the proceedings about this time, it is stated that the person appointed "accepted of the guardianship."