

mentary system, in case no objections were made. Because there being no other mode by which the real estate of a deceased debtor can be subjected to the payment of his debts generally, including those due by simple contract, than by bill in Chancery, the decree in such cases formerly expressly declared, that the real estate should be sold "for the payment of the just claims of the creditors of the deceased in a due course of administration," and the law required, that the real assets should be paid by the heir or devisee in the same order as the personalty was directed to be administered by the executor or administrator; 1785, ch. 80, s. 7; therefore, this Court has felt itself authorized and required to make a distribution of the real assets upon the same grade of proof, and in the same order, as has been prescribed by law for authenticating and paying claims against the personal estate before the Orphans' Court. 1798, ch. 101, sub-ch. 9. So that the same claim, whether made against the personalty or the realty, or whether presented to one tribunal or another, should, as to the mode of authentication, be governed by the same rule; and I find this practice spoken of as far back as the year 1803, as then well established. (u)

In cases of insolvency, under the Acts of Assembly which formerly referred such matters to the Chancellor, it was the practice

office, than it is, that the register, having received, carelessly lost or mislaid them.

It is injurious to the Chancellor to allege, that a claim with proper vouchers, filed in this Court, cannot be established without the aid of counsel. Any man, attending to the proceedings of this Court, might know, that all claims for money, arising from sales under a decree of this Court, are either examined in the first instance by the Chancellor, or submitted to, and reported on by the auditor; and that counsel are rarely, if ever, employed to support any claim, except those claims which are disputed, and which are not, in the first instance, supported by proper proofs or vouchers.

The Chancellor has made these remarks; because he conceives, that it cannot be improper for any man, or body of men, by a plain declaration, to refute a calumny, which, (if unnoticed,) might produce disagreeable, mischievous consequences.

It is ordered, that of the money arising from the sale, in this cause, heretofore directed to be paid to O'Brian and wife, there be paid to Bernard Caskey, the principal sum of seventy-five pounds, with interest thereon, from the 12th day of April last, until payment by the purchaser. And, that there be paid to William Richardson the sum of one hundred and seventy-seven pounds, seven shillings, and nine pence, with interest as aforesaid; and that, unless a further claim, or claims, be preferred before the balance be paid to O'Brian and wife, in whose hands, money arising from the sale aforesaid, would have been answerable, &c.

(u) RINGGOLD v. JONES.—This was a creditor's suit instituted on the 21st of November, 1799, by William Ringgold, and others, in behalf of themselves and others, the creditors of William Sluby, deceased, against Jones and others, his executor and devisees. The answer of the executor admitted the total insufficiency of the personal assets. The other answers were to the