tors; or be prevented from being taken and applied in satisfaction of his debts; yet in most cases, where a creditor of a lunatic
224 *applies to a Court of equity for relief, the estate of the

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the Chancellor of the State and interested in the suit, to the Chief Judge of the third judicial district, that John H. Brown, one of the defendants, who is the eldest son of John Brown, deceased, therein mentioned, and would have been his sole heir if the Act to Direct Descents had not taken place, has appeared to the said bill and his appearance having been entered on the docket—it is thereupon Ordered, that the plaintiff cause a copy of this order to be inserted at least three weeks successively in the Maryland Gazette before the twentieth day of July next, to the end that each of the heirs of the said John Brown, who are defendants, may have notice of the said bill, and of its substance and object, and may be warned to appear in the Chancery Court on or before the thirtieth day of November next, in person or by solicitor, to shew cause, if any they have, wherefore a decree should not pass as prayed.

On the 10th of February, 1809, the plaintiff William Kilty, the then Chancellor, in his notes addressed to the Chief Judge, says: "The papers in this case are sent to the Chief Judge of the third judicial district, on the supposition that they are ready for a decree. It was the practice of the late Chancellor, on bills for the sale of real estates, to decree, without having the case set down for hearing, whenever a sufficient ground appeared in the proceedings. In this suit, a petition was filed in June, 1807, under the Act of 1797, ch. 114: and an order thereon, which is certified to have been duly published. The object of this bill is, that the suit may be carried on between the complainant and the defendant who appeared, and that there should be the same decree as if the heirs had appeared, and against them the bill may be either taken *pro confesso*, or a commission may be directed. According to the practice, as above mentioned, the office-copies of judgments have been considered sufficient, if not contested by the answer; and the whole of the claims exhibited have not been required to be proved as stated before a decree; but they have been laid before the auditor with further proof, together with any other claims. This much is intended to apply to that part of the answer which states, that R. Johnson was not a mere surety, but was equally indebted with John Brown. But there is sufficient evidence of the other claim and of the personal estate being deficient.

J. T. CHASE, Chief Judge, 20th February, 1809.—The bill in this case, which according to the Act of 1805, ch. 65, s. 19, was addressed to the Chief Judge of the third judicial district, being ready for decision, and the claims of the suing creditor, and the insufficiency of the personal estate being sufficiently established; and the publication having been duly made, after the appearance of John H. Brown, who would have been the sole heir of John Brown, deceased, if the Act to Direct Descents had not taken place, against the other heirs,—

It is thereupon Decreed, that the bill as to the said other heirs be taken *pro confesso;* and that the real estate of John Brown, deceased, not heretofore sold, or so much thereof as may be necessary to pay such claims of the creditors of the said John Brown which still remain unpaid, be sold: that T. T. be and he is hereby appointed trustee to make the said sale, &c. &c.

Under this decree, a sale was made, reported and ratified; after which the auditor on the 13th of July, 1809, among other things reported, that accounts