

any such alienation, shall be liable to the value of the land so by him sold. *Bac. Abr. Tit. Heir and Ancestor F.* In consequence of which, and as mere bond or simple contract creditors have no lien upon the real estate of their debtor, the heir or devisee becomes personally liable to the value of the realty by him so aliened, leaving the land in the hands of a *bona fide* purchaser entirely free from their claims, *Coleman v. Winch*, 1 *P. Will.* 777; *Matthews v. Jones*, 2 *Anstr.* 506, (o) or such creditors may follow the specific

(o) *CRAIG v. BAKER*.—This bill was filed by Robert Craig, on the 17th of September, 1770, against the administrator, heirs, and devisees of Henry Baker, deceased. It stated that the plaintiff and the late Henry Baker were the owners of a brig, and as partners had her sent on several voyages; that the plaintiff purchased Baker's half of the vessel for £650 0s. 0d.; and it was then agreed between them, that all their accounts should be fully and finally adjusted; but before they came to any settlement Baker died, having first made his will, by which he disposed of all his estate, real and personal, among his children; that his son Francis, who became his administrator, alleges that his personal estate is not sufficient to pay his debts; that the administrator has brought suit at law against this plaintiff for the recovery of £650 0s. 0d., the price of his intestate's half of the brig; and also, to recover the amount of certain protested bills of exchange, drawn on account of the partnership concern; that on a fair adjustment of accounts it will appear, that the late Henry Baker was greatly indebted to the plaintiff. Prayer for an account; for an injunction to stay the proceedings at law; and for general relief. An injunction was granted as prayed, and the defendants answered.

A commission was issued on the 18th of July, 1774, in the usual form, to audit and state an account. Under which the commissioners, on the 7th of May, 1785, returned an account, by which it appeared, that there was a balance due to the plaintiff of £868 3s. 3d. with interest thereon from the 22d of April, 1767, to the 22d of April, 1785.

The plaintiff, with leave, filed an amended bill, in February, 1786, the making other devisees and their heirs parties, specifying the real estate which came to their hands; and then alleging, "that all the parties aforesaid claiming under the will of Henry Baker aforesaid first named, have had notice of your orator's claim; but none of them have ever paid or offered to pay any part thereof; and also, that the estates held by the other defendants, Jeremiah Baker, of Cecil County, Henry Baker, son of Francis, of Harford County, and Nathan Baker, of Cecil County, which they derived from Henry Baker first mentioned, together with the personal estate of the said Henry, and the estate devised to Francis, his son aforesaid, are greatly more than sufficient to pay your orator's claim."

The defendant Jeremiah Baker, by his answer, without admitting the plaintiff's claim, stated among other things, that the tract called Clayfall, devised to him, was without improvements, and had been mortgaged, and came to him so mortgaged, which mortgage he had satisfied; that there was no improvements on the said land at the time of the death of the said Henry; but that this defendant hath since made valuable improvements, and erected buildings thereon; that the personal estate of the said Henry was not sufficient, as he understood and believed, to pay the claims against him; that he had no knowledge, that any balance was due to the plaintiff, but had always understood and supposed the contrary; and that in any event he could only