

said Eleanor Dawson to comply therewith; or that they should have such other relief as might be deemed proper.

BLAND, C., 15th October, 1832.—Ordered that the time limited for the said defendant's bringing into this Court the said sum of money, and for rendering an account of the assets be and the same is hereby extended to the 16th day of January next. Provided that a copy of this order, together with a copy of the said order of the 28th day of September last, be published in some newspaper three times a week, for three successive weeks, before the 15th of November next. 1818, ch. 133, s. 1,

HAMMOND v. HAMMOND.

CREDITORS' SUIT.—DISTRIBUTION OF ASSETS.—PROOF OF CLAIMS.—PRIORITIES.—LIENS.—INJUNCTION.—COMPUTATION OF INTEREST.—CONTRIBUTION.—CHANCERY PRACTICE.

The auditor may summon a witness to attend and give evidence before him; and on his failing to do so, the Court will compel him to attend and testify.

In general, pecuniary legacies bear interest from the end of one year from the death of the testator. (a)

Where one legacy is substituted for another, the substitute will, in general, carry with it the same incidents as the original.

How far lands in possession, reversion, or remainder, in the hands of an heir or devisee, are liable for debt at common law, or by statute. (b)

The cases in which a creditor's suit may be sustained; or in which the Court will take upon itself the administration of an estate.

The form and necessary allegations of a creditor's bill.

Equity will take upon itself the general administration of the assets of a deceased debtor at the instance of a creditor, or legatee, or next of kin, or of the executor or trustee of the estate, for direction or indemnity in the payment of debts. (c)

(a) See *Swearingham v. Stull*, 4 H. & McH. 38; *Crain v. Barnes*, 1 Md. Ch. 151; *White v. Donnell*, 3 Md. Ch. 526.

(b) See *Coombs v. Jordan*, 3 Bland, 284.

(c) Affirmed in *Tessier v. Wyse*, 3 Bland, 59. As to creditors' suits against the real estate of a deceased debtor, see Rev. Code, Art. 66, sec. 1; Art. 64, sec. 9; Act of 1884, c. 396; *McCormick v. Gibson*, 3 G. & J. 12; *Gaither v. Welch*, 3 G. & J. 259; *Ellicott v. Ellicott*, 6 G. & J. 35; *Gibson v. McCormick*, 10 G. & J. 65, note; *Warfield v. Owens*, 4 Gill, 364; *Scott v. Scott*, 17 Md. 78.

The insufficiency of the personalty must be proved or admitted before the realty can be sold. *Wyse v. Smith*, 4 G. & J. 295.

As to proof of claims in a creditor's suit: *Strike's Case*, 1 Bland, 57, note (m). When claims may be filed: *Townshend v. Duncan*, ante, 45. Pleading limitations: *Simms v. Lloyd*, 58 Md. 477; *Strike's Case*, 1 Bland, 57, note (l).