Formerly, in equity as well as at law, where a suit was brought against an infant heir, or against coparceners, any one of whom

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hesitate to do justice to the creditors, by passing such a decree as would provide effectually for the discharge of their claims, without injury to the defendants. Indeed he conceived that his decree was calculated to benefit the defendants, full as much as the creditors of Parkin. Suppose, for illustration, actions at law, brought by the creditors. On the papers in this cause, it is by no means clear, that when the decree was passed, the Chancellor had any power over the bank shares. If the defendants wish to apply them to the payment of Parkin's debts, they, most assuredly, can do so of their own accord. Dormant claims are such as have not been announced to the debtor, or person chargeable with them. It is not proper to call a claim against Parkin dormant, merely because it was not exhibited in this Court until it was called for. In short, the Chancellor is fully satisfied of the propriety of all his proceedings in this cause, prior to the petition aforesaid. If the proceeds of the sales, already made, with what the defendants shall voluntarily apply, shall be inadequate to the discharge of all the claims here exhibited and established, the Chancellor must assuredly do his duty in directing a new sale.

On the first of February, 1805, Jesse Hollingsworth and wife filed a bill here against these plaintiffs, Nathan Tyson and others, for the purpose of having the sale of the real estate, made under this decree, annulled. The defendants answered, the case was brought to a hearing; and the bill was dismissed by a decree of this Court; which decree was, on appeal, affirmed by the Court of Appeals, on the ground that the defect in a certain deed, which formed an essential link in the chain of title, had been cured by the Act of 1807, ch. 52, just then passed, and while the case had been held under advisement by that Court. 2 H. & J. 230.

After which, the trustee who had been appointed to make the sale, by his petition, referring to this suit, and exhibiting a copy of the decree of the Court of Appeals, prayed that the decree of the 30th of December, 1803, might be executed.

KILTY, C., 14th January, 1808.—In regard to that part of this petition which relates to the personal estate, the Chancellor is, at present, under the impression that the decree for account of the personal estate will comprehend all the assets on hand at the time of the decree, and since received up to the time of taking the accounts. The decree being confirmed, the auditor will, of course, proceed to take the accounts, after giving notice as directed thereby: and on his report it will appear what assets are unaccounted for; and such decision will be made thereon as may appear proper. The trustee will, on the affirmation which has taken place, proceed, of course, to the collection of the money due on the sales which have been made. As to that part of the petition which is for a further sale, there might be sufficient evidence among the papers to justify an original order or decree for such further sale. But, inasmuch as by the order of the late Chancellor, of the 20th November, 1804, the sale therein mentioned was postponed till further order, and was not delayed solely by the appeal, it appears proper that the parties should be heard in support of and against the petition for the said postponement, by Hollingsworth and wife, of the 19th of November, 1804. The present petition for a further sale, will, therefore, be heard, on application, on the first day of the ensuing February Term: *Provided* a copy thereof,