here had been made liable to the payment of debts, by the statute of 1732, no decree for the sale of it could be obtained for that purpose * against the heirs or devisees of the debtor so long as any one of them remained under age; until, by an Act of Assembly, the Court was authorized, where lands possessed by an infant were chargeable with the payment of money, and therefore, liable to a decree for sale, to pass such a decree with the consent of the guardian of the infant heir; 1773, ch. 7; *Pue* v. *Dorsey*, 1 *Bland*, 139, *note;* which delay and consent were in some particular cases dispensed with by special legislative enactments. 1784, ch. 82.

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After which it was, by a general law, declared, that in case an action at common law should be brought, in which the title to real estate was involved, which action should abate by the death of either plaintiff or defendant, and such title should descend or be devised to an infant, the action should not be tried during the minority of such infant, unless his guardian or next friend should satisfy the Court, that it would be for his benefit to have it tried. 1785, ch. 80, s. 2. And it was further provided, that, in case there should not be personal estate sufficient to pay the debts of the deceased, the heir or devisee, being of full age, or upon his arrival at the age of twenty-one, should, to the value of the land descended, pursue the same rules, in payment of the debts of the deceased, as were prescribed by law for executors or administrators. 1785, ch. 80, s. 7. Thus, in effect, constituting the adult heir or devisee of the deceased an administrator of his real assets.

But still, as in actions at law by bond creditors against infant heirs or devisees, as original defendants, the parol must demur; and as creditors by simple contract, or where the heir of the debtor was not bound, could only sue in equity to obtain satisfaction from the real estate of their deceased debtor, where, as at law, the parol was allowed to demur in favor of infant heirs or devisees, to the great hinderance and delay of creditors, it was therefore, declared, that if any person should die without leaving personal estate sufficient to discharge his debts, and should leave real estate to descend, or which he had devised to a minor, the Chancellor might, upon the application of a creditor of the deceased, if he should deem it proper, after the minor had been summoned, and appeared by guardian, and the parties had been heard, and the justice of the claim had been fully established, order such real estate to be sold for the payment of the debts due by the deceased. 1785, ch. 72, s. 5; 1789, ch. 46; 1794, ch. 60, s. 2; 1799, ch. 79, s. 4; *Baltzell* v. *Foss*, 1 *H. & G.* 506.

But, although, according to all general principles, every part of the real estate of a debtor in the hands of his heir should be held