

the then existing law, could have had, and were always understood to have had no other object, that the privilege formerly

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Edward Clayton, they did not thereby lose their lien on Edward Clayton's land, but gained an additional security, and all Solomon's lands are liable. As to the land coming from Edward Clayton, they are to be preferred to all the creditors, except the present petitioners. As to Solomon's land, if any there be, which did not come from Edward, they are on a footing with other creditors. The petitioners having a claim against Edward's estate only, can have no title to be paid out of that part of Solomon's land, if any there be, which did not come from Edward.

The case was again brought before the Chancellor by the trustee for further directions, and praying that his trust and the whole proceedings might be brought to a close.

HANSON, C., 8th March, 1805.—No cause has ever been before the Chancellor in which he has had so much trouble in examining the proceedings, and making statements and orders, and instructions in writing, in order that the merits of the several claims might be brought fairly before him. He has suffered great uneasiness on account of that delay which has taken place, which may appear to be unaccountable, but which has been owing to the negligence, inattention, or ignorance, or all combined of the parties themselves. In the beginning all the claims exhibited were merely against Solomon Clayton, as if the debts were originally due from him. Had that been the case the proceeds of the sale would have been properly divided amongst the claimants in due proportion, and a considerable part of each claim would have been discharged. As matters then stood, the Chancellor directed several payments to be made out of the money in the hands of the trustee. But, before the dividend was actually struck, a claim was exhibited on the part of Dr. Harris and Mrs. Airey for money due from the estate of Edward, the father of Solomon Clayton, from whom the land came to the said Solomon. Of this claim the Chancellor had never been apprised. They claimed a preference to the proper creditors of Solomon Clayton. But, inasmuch as money had been paid away, before they came into Court, they professed themselves, by counsel, willing to take only the money remaining in the hands of the trustee.

After this Messrs. Hemsley and Tilghman required also a preference, on account of their claim having been founded on a debt originally due from Edward, the father. It appeared likewise, that the debt to James Anderson, was originally due from the said Edward. By far the greater part of the delay in the case has arisen on the part of Dr. Harris, whose petition was not accompanied with the necessary vouchers to establish all the points, on which his claim against the estate and the title to preference were supposed to be founded. In the course of several years, his papers have several times been laid before the Chancellor and as often found defective; although the Chancellor had stated his ideas, and even given full directions in writing.

The Chancellor must here refer to a statement and remarks made in writing on the 20th day of March, 1800; in which he states the practice and principles of this Court, relative to joint debts, due from a person deceased, whose land, in the hands of infant heirs or devisees, is sold under a decree of this Court. And he conceives, that agreeably to those principles, Dr. Harris and Mrs. Airey ought not to be allowed more than one-third of their