heir or devisee. 1773, ch. 7. Thus, in effect, giving to the answer of an infant, by his guardian, in all creditors' suit, and suits by mortgagees, the force and operation of an adult defendant in so far as to authorize the immediate sale of the realty without allowing the parol to demur. *Prutzman* v. *Pitesell*, 3 *H. & J.* 80; *Pue* v. *Dorsey*, 1 *Bland*, 139, *note*. By a subsequent legislative enactment it was declared, that if any person should die without leaving personal estate sufficient to discharge the debts by him due, and should leave real estate, the Chancellor, after summoning the minor heir or devisee, and his appearance by guardian to be appointed for that purpose, and to answer and defend for him; and on the justice of the claim of the creditor being fully established, might order the real estate to be sold for the payment of the debts due by the deceased. 1785, ch. 72, s. 5; *Birch* v. *Glover*, 4 *Mad.* 376. Thus virtually abolishing the infant's privilege of having the parol to demur, and of shewing cause when he attained his full age; and so placing it in the power of the Court of Chancery, at once, to compel him to do justice to the creditors of his ancestor or devisor, by divesting him of the privilege of alleging his minority as a means of obstructing, for a time, the regular course of justice.

It having been thus put upon infant defendants, in such cases, to defend their interests immediately, and as effectually as they can, by a mere guardian *ad litem*, who has been expressly authorized to consent to an immediate sale of the real estate; the answer of an infant by his guardian, in all such cases, must be taken to be as conclusive against him as if he had answered as an adult. *Kent* v. *Taneyhill*, 6 *G. & J.* 3. And as a creditor, who comes in under a decree, may have his claim allowed upon affidavit, if it be not expressly denied and contested; so a creditor suing as an original plaintiff, may obtain a decree on a similar authentication of his claim, unless it be expressly denied and put in issue by the answer of an adult or infant defendant; otherwise a plaintiff creditor would be made to encounter greater difficulties than one who came in under the decree. *Hill* v. *Binney*, 6 *Ves.* 738; *Burroughs* v. *Elton*, 11 *Ves.* 36. Such has always been held to be the true construction and necessary consequence of those legislative enactments, for, if it were not so, they would have removed no obstructions, nor given to creditors any additional facilities whatever in recovering satisfaction of their debts from the real estate of their deceased debtor, in the hands of his infant heirs or devisees. (*v*)

(*v*) But, in regard to this privilege of infants, it may be well to recollect, that, in some cases, it still exists; and that the parol may demur in all cases at common law and in equity, except where it has been otherwise provided by the above-mentioned Acts of Assembly; by those Acts in relation to proceeding by publication, against absent infant defendants, and by the Act which relates to infants who may be made parties to a suit which had abated by death. In Virginia, it has been declared that the parol shall not demur