

The next point to be established in a creditor's suit against the representatives of a deceased debtor to enable his creditors to

in any suit at law or in equity, by reason of the infancy of the plaintiffs or defendants, or either of them—1793, ch. 240. In England, the giving of a day to shew cause after they come of age, and allowing the parol to demur, has, by a statute passed in the year 1830, been totally abolished. 1 W. 4, c. 47, s. 10; *Kelsall v. Kelsall*, 8 Cond. Cha. Rep. 61; *Powys v. Mansfield*, 9 Cond. Cha. Rep. 446. By the civil law, the estate of a minor might be sold by his guardian for the payment of any debts due by the ancestor or person from whom it was derived; or for any necessary purpose under the sanction of a decree of a Court: yet it is said, that according to that law, if there be a suit or controversy on foot touching the estate of the minor, it should, in his favor, be postponed until the time of his puberty. *Ayliffe Civ. Law*, 218, 219; *Bac. Abr. tit. Infancy and Age. L. 1.*

BOND v. BOND.—This creditor's petition, filed on the 21st of October, 1783, stated, that the petitioners were creditors of the late Joshua Bond, who died intestate, seized of a considerable real estate, leaving a widow and several children, among others, John Bond, the only defendant, a minor, his eldest son and heir-at-law; that the intestate, at the time of his death, was indebted to the petitioners and divers persons in considerable sums of money, far exceeding the amount of his personal estate, which Ann, his widow, as administratrix, has paid away in discharge of his just debts. Prayer that the lands be sold, &c. The infant defendant and heir answered by his guardian *ad litem*, &c.

ROGERS, C., 2d June, 1786.—This case standing ready for decision, and the petition, answer, and other proceedings, appearing as before recited and set forth, it is thereupon Decreed, with the assent of the said John Dodd as guardian of the said John Bond, that the said John Dodd who is hereby appointed trustee for that purpose, and the other purposes of this decree do set up and expose to sale at public vendue, upon twelve months credit, the several tracts and parcels of land in the petition mentioned, or such part or parts thereof as may be sufficient to pay and satisfy the petitioners their respective claims; that is to say, all that tract of land called Good Luck, lying in Baltimore County, and containing one hundred and twenty-five acres, more or less; all that tract of land called Addition to Good Luck, lying in Baltimore County, and containing twenty-five acres, more or less; and also all that other tract of land, lying in Baltimore County, called Round About Neighbors, and containing sixty-one acres, more or less; after giving six weeks notice thereof, in the Baltimore newspapers, of the time and place of such sale; and the same several tracts of land when so sold; or so much thereof so disposed of as may be necessary for the purposes aforesaid, the said John Bond, by his guardian aforesaid, do, and shall, effectually convey, and assure to the purchaser or purchasers thereof, their heirs and assigns in fee, upon the payment of the purchase money thereof to the said John Dodd, as guardian aforesaid. And it is further Decreed, that the said trustee do, and shall, as soon as the sales are made, and upon his receipt of the purchase money, pay and satisfy, according to the due course of administration, to the petitioners, the several sums of money due them, and each of them, on their several claims exhibited to this Court, with the petition aforesaid; and also the legal interest due, and which may become due, on the several bonds or obligations in the petition mentioned. And it is further Decreed, that the