

obtain satisfaction by a sale of his real estate, is the insufficiency of his personal estate to pay his debts. If that fact be denied, an

said trustee do, and shall, as soon as the several parcels of land aforesaid, or so much thereof as may be necessary for the purposes aforesaid, are sold, for the confirmation of such sales, before any conveyance thereof, make and lodge in this Court under his hand, and with his affidavit of the truth thereof thereto annexed, a just and accurate certificate or memorandum of the said sales, to whom made, and when, and at what price, and upon what terms the same were disposed of: and also, as soon as may be, after his receipt of the purchase money thereof, render to this Court a full, just, and true account, with his affidavit annexed, of his disbursements thereof, to whom made, and at what time or times. And it is further Decreed, that the said trustee do, and shall, before any sale or disposition is made of the premises aforesaid, or any part thereof, in pursuance of this decree, execute and file in this Court his bond to the State, &c. faithfully to fulfil and perform the trust in him reposed by the decree, &c.—*Chancery Proceedings, No. 2. fol. 608.*

MILDRED v. NEILL.—This was a creditor's petition, filed on the 25th of April, 1787, by Daniel Mildred and sundry others, against Isabella Neill, widow, Elizabeth Neill, Mary Neill, Alexander Neill, Callender Neill, and Isabella Neill, the younger infants, Hercules Courtney, Thomas Neill, and Joseph Donaldson. The petition states, that the plaintiffs were the creditors of William Neill, deceased, who departed this life some time in the year 1785, indebted to the plaintiffs, and sundry others, in divers large sums of money: that he devised his estate to his widow and five children, the defendants, some of whom are in a state of minority, and incapable of disposing of the real estate devised to them by their father for the payment of the plaintiffs' claims; that the testator appointed the defendants, Isabella Neill, the widow, Hercules Courtney, Thomas Neill, and Joseph Donaldson, his executors, who took upon themselves the trust; that the personal estate has been fully administered, and that there were not personal assets to satisfy the plaintiffs' claims. Whereupon it was prayed, that the executors might account for the personalty; and that the devisees might disclose of what the real estate of the deceased consisted; and also be compelled to sell the real estate for the payment of the claims of the plaintiffs and others, according to law.

Isabella, the widow, by her answer admitted the indebtedness of the deceased and his will: but alleged, that she had sued out a writ of dower, and had obtained judgment thereon to recover her dower. The other adult defendants and the infant defendants by their guardian *ad litem*, admitted the debts of the plaintiffs; and specified the real estate of which the testator died seized. The will of the testator, and the accounts of the executors, settled with the Orphans' Court, were exhibited as parcels of the pleadings.

ROGERS, C., 26th February, 1788.—This case standing ready for decision, and the bill, answers and other proceedings appearing as before set forth, it is thereupon Decreed, with the assent of the said Hercules Courtney, as guardian of the said Elizabeth Neill, Mary Neill, Alexander Neill, Callender Neill, and Isabella Neill, that he the said Hercules Courtney, who is hereby appointed trustee for that purpose, do and shall, after the application of the personal estate of the said William Neill to the payment of his debts, set up and expose to sale, at public vendee, the several tracts and parcels of land