

may be determined before there can be a decree for a sale of the realty; or, even if the insufficiency of the personal estate be to some extent admitted, not denied, or established, still, for the benefit of the heirs or devisees, the creditors may be notified to bring in their

cording to the directions of the Act of Assembly, in such case made and provided.

Jacob Staley was appointed guardian to the infant defendant, who by his answer admitted the facts stated in the bill.

ROGERS, C., 29th April, 1788.—This case standing ready for decision, and the bill, answer, and other proceedings appearing as before set forth. It is thereupon Decreed, with the assent of Jacob Staley, as guardian of the said John Castle, the minor, that the said Jacob Staley, and the said Jacob Staley is hereby appointed trustee for that purpose, do set up and expose to sale, and sell at public vendue to the highest bidder, upon the following terms, to wit: one-third part of the purchase money to be paid at the expiration of six months from the sale, two other third parts thereof to be paid at the expiration of eighteen months from the said sale, the aforesaid part of a tract of land called the Resurvey on Stoney Level, &c., &c., (as in the next preceding case.)

EWING v. ENNALLS.—This creditor's petition, filed on the 9th of May, 1789, by Ewing and others, against the executrix and heir of Thomas Ennalls, deceased, states, that the plaintiffs had recovered judgments at law against the testator in his life-time: who by his will appointed the defendant Ann his executrix, who qualified as such, administered all the personal estate, and had not assets in hand to satisfy their judgments: and that the deceased left real estate, which descended to Henry Ennalls, his infant son and heir, which the plaintiffs could not in any manner affect by their said judgments, during the minority of the said infant heir, but by the aid of this Court. [*Bac. Abr. tit. Infancy and Age, L. 1.*] Whereupon it was prayed that the land be sold, &c.

The adult defendant put in her answer, and the infant defendant answered by his guardian *ad litem*. They admitted the truth of the facts set forth in the plaintiff's petition; but alleged, that the said lands were subject to several claims for dower.

HANSON, C., 24th December, 1789.—Decreed, that the lands be sold, or so much thereof as shall be necessary to pay the debts herein mentioned, and the expense and commission, &c., subject to the right of dower of Ann Hodson, the mother of Thomas Ennalls, deceased, in two hundred and seven acres of Fork Neck: and the right of dower of the defendant Ann Ennalls, the widow of the said Thomas Ennalls, in the said land, &c. And the trustee shall, out of the money arising from such sale, pay and satisfy the plaintiffs, &c. their judgments, &c. And do and shall lodge in this Court with the register, the net proceeds of the residue of the money arising from the said sale, when received, subject to future order.—*Chancery Proceedings, lib. S. H. H. lett. C, fol. 583.*

SPRIGG v. MAGRUDER.—This creditor's petition, filed on the 16th of May, 1789, against the administrator and heir of the deceased debtor, stated, that the petitioner's claims exceeded the amount of the inventory, of the personal estate of their deceased debtor, Edward Magruder, who died intestate, leaving a considerable real estate, which had descended to his infant daughter