

be enabled at once, to collect and bring into this State, all their movable effects, and to dispose of their immovables in such manner as the law of the place may allow.

Decreed, that the petitioner, James Corrie, of the City of Baltimore, be, and he is hereby appointed guardian to each one, and to all of his said infant children, that is to say, Francis Corrie, James Corrie, Margaret Corrie, Samuel Corrie, Theresa Corrie, William Corrie, Daniel Corrie, and Alexander Corrie; with full power and authority as such, to ask, demand, sue for, collect and take possession of all debts, legacies, devises, rights, effects, and property of the said infants, lying or being any where beyond the  
**509** \*jurisdiction of this State; and to give receipts and releases for the same; and to make sale or dispose of the same in any manner he may deem most advantageous for the said infants, so that the same, or the proceeds thereof, may be transferred to, and brought within the jurisdiction of this State, where the same may be taken care of, accounted for and distributed, according to law, among the said infants, or those to whom the same may respectively belong. And that the said James Corrie, before he acts as guardian, shall file with the register, a guardian's bond, in the form prescribed by law, in the penalty of ten thousand dollars, with surety to be approved by the Chancellor.

#### WATKINS v. WORTHINGTON.

CREDITORS' SUIT.—JOINT LIABILITY OF THE DECEASED DEBTOR.—PRINCIPAL AND SURETY.—MARSHALLING OF ASSETS.—PROOF OF INSOLVENCY.—ASSIGNEE OF CHOSSES IN ACTION.—PARTIES.—CHANCERY PRACTICE.

In a creditor's suit, creditors who come in after answer, and before a decree, cannot have their claims so put in issue as to be adjudicated upon by the decree; yet such creditors may well be heard as to the selection of a trustee to make the sale. (a)

In the appointment of a trustee the recommendation of those creditors who shew the greatest amount of debts will be allowed to have the most weight.

personal estate there, and a widow, the sister of the petitioner, with four infant children, Ann Irwin, Mary Irwin, Henry Irwin, and Ellen Irwin; that a certain Thomas T. Cromwell, was there appointed administrator of the deceased's personal estate, and a certain Benjamin Cornelius, guardian to his infant children; and that afterwards, the widow, with these, her four infant children, removed into, and became residents of this State, where she died. Whereupon it was prayed, that the petitioners might be appointed their guardian. Upon which petition, by an order passed on the 29th of June, 1830, the Chancellor appointed them guardians of those infants, as prayed. It is understood that the propriety and validity of this appointment, has been repeatedly recognized in the State of Pennsylvania.

(a) As to creditor's suits generally, see *Hammond v. Hammond*, ante, 306.