

the law of Maryland, and it is expressly declared by our Act of Assembly, with an evident reference to a creditor's suit, that the real assets shall be administered by the heir, of full age, in the same order as the personal assets are directed to be applied in payment of debts by an executor; and that all Courts of law and equity shall observe the same rules. 1785, ch. 80, s. 7.

It was the course of this Court for some time after the establishment of the Republic, in a creditor's suit, merely to decree in general terms, that in so far as the deceased debtor's personal estate should be insufficient to pay his debts, his real estate should be sold for that purpose; to appoint a trustee to make the sale, after he had given bond for the faithful discharge of his trust; and to direct him to pay the debts due to the originally suing creditors, whose claims were established by the decree; but, as to all other claims, and every other matter, leaving to him the same extent of discretionary authority in the administration of the proceeds of the sale of the real assets as that allowed to an administrator of the personalty; or in other words, giving him the power to dispose of and distribute the proceeds of the sale of the real estate in due

**526** \* course of law; without requiring them to be brought into Court; and without calling on the creditors to file the vouchers of their claims in the Chancery office in order to have them passed upon and sanctioned by the Court. *Bond v. Bond, ante, 353; Mildred v. Neill, ante, 354.* (f) This course of proceeding was

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(f) DORSEY v. COOKE.—This bill, filed on the 24th of November, 1786, very briefly states, that Ambrose Cooke died, indebted to the plaintiff, who brought suit and recovered judgment against his executrix for his debt, when assets should come to hand; that the executrix had paid away the whole of the personal estate of the deceased, who left some real estate; and that the defendant was his heir, and a minor. Upon which it was prayed, that the land might be sold for the payment of the debts of the deceased. The defendant answering by his guardian *ad litem*, admitted the truth of the allegations of the bill.

HANSON, C., 16th October, 1789.—Decreed, that the land be sold for the payment of the just debts of the said Ambrose Cooke, deceased, in due course of administration; that William H. Dorsey be the trustee, &c., to sell the said real estate, or such part thereof, as may be necessary, for the purpose aforesaid; and the manner of his proceeding shall be as follows: he shall first give three months notice in the Baltimore and Georgetown newspapers, and by advertisements set up at the most public places in the county, to the creditors of the said Ambrose Cooke, to bring in to the said trustee their respective claims legally proved. And he shall give six weeks notice in like manner, of the time, place and terms of sale, &c. that the said trustee shall lodge in this Court under his hand, with his affidavit of the truth thereof annexed, a just and accurate account of the sales, specifying to whom made, with the time and price; and specifying also, his disbursements, payments and applications of the money; and the said trustee shall apply of the produce of the sale, such part as may be necessary to the dis-