

cause this Court could have reached, in the most effectual manner, all the objects aimed at by those bills much more expeditiously, and at a far less expense. Of all this, had this case been brought to a final hearing before Harford County Court, I am satisfied, it might and would have been convinced, and upon that conviction would, without hesitation, have dismissed these bills.

Therefore, without revising or reversing any thing which has been heretofore done by that Court, I am of opinion, that in consolidating and dismissing these bills, I do no more than would have been done by that tribunal, as well upon the merits, as upon the ground of the incompatibility of the proceeding with the suit now depending in this Court.

Whereupon it is decreed, that the several bills of complaint filed in Harford County Court, by the late Freeborn Brown and William Brown be, and the same are hereby consolidated and treated as parts of the bill filed on the 5th of March, 1825, as if the same had been filed on the 8th of May, 1818. And it is further decreed, * that the injunction heretofore granted in this case be, and the same is hereby annulled and dissolved. And it is further **606** decreed, that the bill of complaint of the complainants as hereinbefore consolidated, be, and the same is hereby dismissed with costs to be taxed by the register.

See this case as reported in 4 *G. & J.* 479.

ADDISON v. BOWIE.

CHANCERY PRACTICE.—POWER OF APPOINTMENT.—RIGHT OF CREDITORS AGAINST ESTATE OF DECEDENT.—ELECTION.—SATISFACTION OF DEBT BY LEGACY.—DEVISE OF A RIGHT OF HABITATION.—PROFITS OF INFANT'S ESTATE.

All proceedings, exhibits, and proofs must be marked filed before they can be noticed by the Court. (a)

A power of appointment as given in a certain will, allowed to be arbitrarily exercised.

A father, so far as he is able, is bound to maintain his infant children; and therefore he is held accountable for the profits of their estate held by him.

A testator cannot, in any way, place his personal estate beyond the reach of his creditors.

A legatee may file a creditor's bill.

Where a testator may put his devisees to an election to take under or in opposition to his will the Court may, in such cases, elect for infants. (b)

(a) See Equity Rule, 4.

(b) See 1 *Pomeroy Eq. Jur.* sec. 509, to the same effect.