

On the 23d of March, 1822, the widow Ann Scotton put in her answer, in which she admits the facts and circumstances in relation to the sale as stated in the bill; and that the personal estate of the intestate was not sufficient to discharge this debt and others exhibited against it. On the same day the administrator Foulke filed his answer, in which he also admits the sale as set forth in the bill, and says the personal estate of his intestate, so far as the same has come to his knowledge or possession, will not be sufficient to discharge all the claims which have been exhibited against it. On the 1st of April following, the infant defendants answered by their guardian *ad litem*, and admitted the facts alleged in the bill.

JOHNSON, C., 5th April, 1822.—The said cause standing ready for hearing, and being submitted, the bill, exhibits, answers, and all other proceedings, were by the Chancellor read and considered. And the claim of the complainant, as stated in the bill, being established to the Chancellor's satisfaction, and it appearing, that the deceased Stephen Scotton did not leave personal estate sufficient for the payment of his just debts.

It is thereupon Decreed, that the real estate of the said Stephen Scotton in the bill of complaint mentioned, or so much thereof as shall be necessary, be sold for the payment of the costs of this suit, of the claim of the complainants, and of such other debts of the deceased as shall be established to the Chancellor's satisfaction. And it is further Decreed, that Ashur Foulke be, and he is hereby appointed trustee for making sale as aforesaid, &c. He shall then proceed to sell the said tract of land in the proceedings mentioned, either entire, or in parcels as he shall think fit, upon the following terms, to wit: one-third part of the purchase money to be paid at the time of sale, or on the ratification thereof by the Chancellor; one-third part of the purchase money to be paid in twelve months from the day of sale, and the remaining third part to be paid in two years from the day of sale; for the payment
631 * of the two last instalments with interest, notes or bonds with security, to be approved of by the trustee, shall be given, &c.

Under this decree, the trustee Foulke, on the 29th of August, made a report, in which he says, that "after having given bond and advertising the terms of the sale in two public papers agreeably to the directions of said decree, a public sale was held on the 23d day of July, when there was no more bid than \$8 per acre, which was not thought sufficient to authorize a sale; and have since sold it on the 28th day of August, 1822, as may be made appear, for \$11 per acre; the land supposed to contain one hundred and forty acres." Upon which an order was passed on the same