

pledge her separate estate ; and if they can succeed in doing so, and can likewise remove the other objections which stand in their way, they may be entitled to be paid.

The claims numbered 1, 2, and 3, are, as has been stated, founded upon the joint notes of James Hall, the husband, Elizabeth Hall, the wife ; and although it is admitted, that he as well as his wife, died leaving no personal estate, it is not shown that he left no real estate ; and consequently, in any event, without further proof, the estate of the wife could be charged with no more than one-half of the claim. To make her estate liable for the whole claim, regarding it as a joint debt, the insolvency of James Hall, must be shown.

I do not concur with the reasoning of the counsel for these creditors, that it is immaterial whether the land was settled to the separate use of Mrs. Hall, or not ; and that a liability can be fastened upon her, upon the ground that she traded and dealt as a *feme sole*.

The cases of *Clayton vs. Adams*, 6 *T. R.*, 545, and *Marshall vs. Rutten*, 8 *T. R.*, 545, are conclusive against any such doctrine.

Under all the circumstances of this case, I shall order it to stand over for a reasonable time, with liberty to these creditors to furnish evidence, if in their power, to remove the objections which have presented themselves to my mind, to the payment of their claims in the present state of the proceedings ; reserving the power to pass such further orders in the premises, as the nature of the case may require.

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[No appeal was taken in this case.]