

JONES v. JONES.

Land was not liable to be taken and sold to satisfy a debt due to a citizen, until made so by statute ; but it might always be taken in execution to satisfy a debt due to the State ; for which it is bound, by act of assembly, from the day of the institution of the suit.

Under a *feri facias* levied upon the land of the defendant in his lifetime, it may be sold after his death.

By a sale of land under a *feri facias*, it was held by the Chancellor, that it was thereby converted into personalty ; and that the surplus should be paid to the personal representative of the deceased defendant ; but the Court of Appeals held and ordered otherwise.

Land may by operation of several forms of judicial proceeding be converted into personal estate.

This court cannot order a sheriff, who has in his hands money made under an execution from another court, to bring it into this court.

This was a creditors' bill, filed on the 14th of February 1827, by *Hiram Jones* and *Elizabeth Jones*, against *Martha Ann Jones* and *Emeline Jones*, infant heirs of the late *Jesse Jones*, *Richard Spencer* jun'r, and *Edward Brown*.

The bill states, that the defendant *Spencer* had, on the 1st of October 1824, recovered two judgments against *Jesse Jones*, in his lifetime, the one for \$230 with interest from the 23d of January 1823 and costs ; and the other for \$167 with interest from the 27th of May 1824 and costs ; which two judgments *Spencer* had assigned to this plaintiff *Hiram Jones* ; that *Jesse Jones* was, at the time of his death, indebted, by a single bill, to the plaintiff *Hiram Jones* in the sum of \$79 25, with interest from the 4th of September 1823 ; that *Jesse Jones*, at the time of his death, was indebted to the plaintiff *Elizabeth Jones*, by bond, in the sum of \$868 27 with interest from the 16th of April 1825 ; that *Jesse Jones* died intestate, seized of about twenty acres of land, leaving a widow and the two infant defendants his children and heirs at law ; that there has been no administration upon his personal estate, the whole or nearly all of which had been sold under executions which had been levied upon it previous to his decease.

It further appears, from the bill and its exhibits, that *Thomas Dawson* had brought suit in Kent County Court, and, on the 17th of March 1823, recovered judgment against *Jesse Jones*, from which *Jones* appealed ; that on the 7th of June 1824 the judgment of the county court was affirmed by the Court of Appeals, for the sum of \$250 with interest from the 12th of July 1820, and costs ,