

On the 9th of August 1819, *Sarah H. Smith* filed a petition in behalf of herself and the other creditors of the late *Charles Wallace*, stating, that in April 1810, she had obtained a judgment against him in his lifetime for £450 4s. 1d. ; that she is informed that several judgments have been obtained against his executor, upon which executions have issued, which have been returned *nulla bona* ; that she cannot obtain payment from the personalty ; and therefore prays to be paid out of the proceeds of the sale of the real estate in the hands of the trustee ; and that notice be given to the heirs, devisees, and creditors.

24th July, 1820.—KILTY, Chancellor.—On the petition of *Sarah H. Smith*, the auditor is directed to state an account of the claims against the estate of *Charles Wallace* if the proceedings are in a state for that purpose.

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Immediately after which the case was again brought before the court for further consideration on the same petition.

29th July, 1820.—KILTY, Chancellor.—On the petition of *Sarah H. Smith*, claiming to be a creditor, and praying to be paid out of the proceeds of the said estate, on the ground, that the personal estate is insufficient, and that notice should be given to the heirs and devisees, and to the creditors ; I have examined the proceedings, and find some difficulty in making the order at present. It has become the established practice to admit and determine on claims to the proceeds of sale on decrees for the purpose of dividing them ; but this being done to remedy the neglect or delay of creditors who might have filed their original bill, it is incumbent on them to shew who are at present the heirs and devisees, their residence and ages, and to have order for publication against those out of the State.

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On the 31st December 1821, some of the devisees filed their petition, in which they stated, that the trustee, *Brewer*, had made sale of the real estate, and had the money then in his hands ; and stated further, that there are several disputes both at law and in equity, which have prevented a settlement of the personal estate of the said *Charles Wallace*, and it may remain for a long time doubtful whether the creditors or the representatives will be entitled to the proceeds of the said sales. In the mean time the debts are increased yearly by accruing interest, and the funds lie idle in the hands of the trustee. Part of the money arising from said sales