

Whereupon it is ordered, that the foregoing statement as made and reported by the auditor be and the same is hereby ratified and confirmed; and the trustee is directed to apply the proceeds accordingly, making payment to the said claimants or to their respective solicitors, with a due proportion of interest that has been or may be received, except claims No. 3, 17, and 28, which are suspended until further order.

WATKINS v. DORSETT.

An executor or administrator who overpays takes the place of the creditor whose debt he pays, and is entitled to the benefit of his priority.

The principle of the statute of limitation may be applied in favour of a plaintiff as well as of a defendant.

The act of assembly which gives the process of a judicial attachment applies only to courts of common law.

Choses in action, and several other kinds of property are beyond the reach of a *fiert facias*.

This bill was filed on the 29th of January 1827, by *Samuel Watkins, Augustus Watkins, Charles Watkins, Ann Watkins, Jane Watkins*, and *Eliza Watkins*, infants, by *Benjamin Watkins* their next friend, against *Thomas J. Dorsett*. The bill states, that *Samuel W. Clagett*, by his will, made on the 21st of July 1815, bequeathed certain negro slaves to the infant plaintiffs, and appointed *Walter Clagett* his executor; that *Samuel* died soon after, and *Walter*, having taken upon himself the office of executor, returned an inventory of his testator's personal estate on the 3d of June 1817; and on the 9th of April 1819 passed a final account, in which he is represented to have paid in satisfaction of claims against his testator the sum of \$343 18 more than the amount of moneys received by him; that, soon after the settlement of this final account, he transferred and delivered to the legal guardian of these infant plaintiffs, for their use, the several specific legacies which had been bequeathed to them by his testator; and acknowledged himself to be perfectly satisfied and paid; that afterwards, in the year 1819 or 1820, *Walter Clagett* died; and the defendant, who had married his daughter, and was thus interested in having this alleged claim against the testator *Samuel* established,