

answer interrogatories on oath.—*Williamson v. Wilson*, 433.

A creditor coming in under the decree takes the position of a plaintiff, 434.

In a creditor's suit, testimony in support of a claim must be taken in such a manner as to prevent a cross examination, and insure a correct report of the proof to the court, 434.

Before a distribution can be made the creditors must be notified and called in, 440.

After which notification, unless some difficulty occurs requiring previous directions, the auditor states a first account as of course informing the court of the objections, if any, to each claim as they appear upon the face of the proceedings, 440; *Dorsey v. Hammond*, 470.

The decree for a sale so far as it assumes the validity of the originally suing creditor's claim is conclusive.—*Strike's case*, 68; *Williamson v. Wilson*, 441.

Creditors may be allowed time to take testimony in support of their claims; but if it be not taken within a specified or a reasonable time, a final audit may be directed excluding all claims not then sufficiently authenticated, 441.

Mortgagees and judgment creditors may be let in, and must be allowed their priorities.—*Jones v. Jones*, 452.

The surplus of the sale of the realty in a creditor's suit considered as a part of the real assets which must be returned to the heirs, 452.

No part of the personal estate of a deceased debtor can be applied in payment of his debts without making his executor or administrator a party to the suit, 460.

All the costs and expenses are first deducted from the proceeds of sale, and then the balance is distributed, by which means each creditor is made to contribute to the expense of the suit.—*Dorsey v. Hammond*, 468.

Each creditor is entitled to a proportion of the interest accruing on the purchase money, according to the sum stated by the auditor to be then due him.—*Low v. Conner*, 468.

The proceeds of the sale of the real assets are to be distributed in the same order as the personal assets.—*Dorsey v. Hammond*, 470.

A judgment against the executor or administrator is no evidence against the heir, 470.

If full proof of a claim be required, it must be established as an issue joined before a jury, 471.

Where the proceeds of sale are more than sufficient to satisfy all, the auditor's report, as to the undisputed claims, may be at once affirmed before the commissions and costs have been allowed, or

the suspended claims have been disposed of.—*Spurrier v. Spurrier*, 476.

The chancellor cannot direct the payment or discount of any claim before the sale has been ratified, 475.

CROP.

On a bill for specific performance, the defendant being unable to make a valid title the plaintiff was directed to deliver possession, reserving to him the liberty to finish his crop of all kinds and to remove his crop and cattle.—*Rawlings v. Carroll*, 76.

Possession will not be delivered under the decree itself to a party, or to a purchaser under it, where it would be attached with the loss of the then growing crop. *Dorsey v. Campbell*, 365; *Chapline v. Chapline*, 364; *Wright v. Wright*, 365.

Under a decree for a sale in a creditors suit, the then growing crop should not be sold.—*Taylor v. Colegate*, 365.

DEBTOR & CREDITOR.

Where two or more sue as joint creditors, the proportion due to each may be adjusted after the sale has been made and the proceeds brought in.—*Hoye v. Penn*, 34.

The surplus of the proceeds of a sale may be awarded to the representatives of the debtor in proportion to their respective interests, 38.⁵

Where the property of a debtor has been sold under a decree for an amount equal to the whole debt, the debtor is discharged, 43.

Where there are two debtors, and the property of each has been sold for an amount equal to the proportion due from each, leaving a surplus to each, as to such surplus they are to be regarded as creditors against the fund; and no subsequent depreciation or loss of the fund taken from one can be made up out of the surplus of the other, 43.

A creditor cannot be permitted to split up his claim and bring a separate suit for each part; or after a decree to add in any way to its amount.—*Strike's case*, 95.

A debt will not be allowed to carry interest during the time the debtor has been restrained from paying.—*Chase v. Manhardt*, 343.

A debtor on being sued may, in all cases, have leave to bring the debt into court so as to stop interest and costs, 343.

DECREE.

Where two or more are equally and jointly liable, the property of each may be directed to be sold in the first instance, so as to place the burthen upon each equally or in due proportion.—*Hoye v. Penn*, 33, 34.

A decree which declares certain convey-