In cases of insolvency, under the acts of Assembly which formerly referred such matters to the Chancellor, it was the practice

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devisees. The answer of the executor admitted the total insufficiency of the personal assets. The other answers were to the same effect; and on the 2d July, 1801, a decree was passed, ordering a sale of the real estate in the usual form.

It appears that Benjamin R. Morgan, another creditor, came in by filing the voucher of his claim, which the auditor, by his report of the 22d June, 1802, declared to be wholly inadmissible. After which, Morgan filed his petition, praying, that the Chancellor would take the subject into his consideration, and give such directions to the auditor, as he thought proper. On the 25th November, 1802, Morgan, by petition, prayed for further time to produce satisfactory proof of his claim; and the Chancellor appointed a day for hearing, &c. On the 12th February, 1803, William Ringgold, and also James Ringgold, two of the originally suing creditors, by petition, objected to the allowance of the claim of Morgan; because it was founded on a partnership transaction, which had been settled, and that the claim had been paid: and on the 30th of April following, one of them, James Ringgold, filed sundry objections to Morgan's claim, the first of which is thus expressed: "That the same is for a balance stated to be due on a partnership between the said parties, ending in the year 1774, which ought not to be allowed, *on account of the lapse of time*, and being unsettled by the parties themselves, is exhibited by the executor, [B. R. Morgan,] of one partner against the real estate of the other, where the creditors of Sluby have no opportunity, by producing his books, to invalidate the same."

2d May, 1803.—Hanson, *Chancellor*.—Benjamin Morgan having exhibited a claim against the said Sluby's estate, which the auditor of this court rejected, the Chancellor, on application of one of the said Sluby's creditors, passed an order, declaring, that on the 24th of April last, he would, on application, decide on the said claim, provided notice, &c. &c. Notice has been acknowledged by Morgan's solicitor, who appearing, here produces no proof or voucher, to establish the claim heretofore made; but prays further time, and instructions from the Chancellor; and an order for the producing of books, &c.

It is certain, that at the time of passing the last order for deciding, &c., it was the chancellor's intent, and it was so understood, as it seems, by the said solicitor, and the creditor, that the aforesaid claim should, at the time appointed, be decided on, and the applicant aforesaid unite in the decision's taking place.

The act of 1785, ch. 72, has been always understood, as directing the lands of a deceased debtor, who devises, or suffers his real estate to descend to an infant or infants, to be sold under the authority of this court, in aid of the defective personal estate, to pay the debts of the deceased which are established to the Chancellor's satisfaction. No mode is prescribed by the act for establishing the debts. It is left entirely to the Chancellor's discretion; but he has observed, it is a rule to admit claims on such proof as is prescribed for, and is satisfactory to an Orphans Court, and even to admit claims, passed against an executor or administrator, by an Orphans Court, unless objected to by some person interested, viz.: by a creditor of the deceased, or his executor or administrator, or by the guardian of the infants.

When claims are objected to on one part, and persisted in on the other part, the question is, in what manner shall it be tried? If every disputed claim should be directed to be tried by a jury, very considerable expense might, in many instances, be incurred; and the fund, for the payment of just debts, would become inadequate, or the infants might be impoverished. The Chancellor has never thought it necessary, or indeed proper, in the case of any disputed claims against a deceased person, to send out an issue, or to refer the party to an action at law. Indeed it would be difficult, in most cases, to ascertain the proper parties for an issue. The executor or