

of the personalty must be established, in order to obtain a decree for a sale of the realty.—A decree for a sale virtually takes possession of the property, and vests it in the court for distribution.—After the court has, by a decree, assumed the administration of the assets, creditors may be prevented, by injunction, from proceeding in other cases; and the executor will not be permitted, at his pleasure, to apply the assets in satisfaction of any particular claim.—How creditors and next of kin are to be notified; and how, and within what time, they may be allowed to come in.—A creditor having a lien, although he cannot be compelled to come in under the usual notice, may be made a party so as to have his incumbrance cleared away for the benefit of the other creditors.—The mode of making distribution; on what amount; and the nature of priorities.

Where a devise, for the payment of debts, is sufficient and effectual, the creditors can only come in as the will directs; but if it be insufficient or ineffectual, it is fraudulent and void as against them.—The personal estate, being the natural fund for the payment of debts, if the heir or devisee pay the debt, he may obtain reimbursement from the personalty.—How far an infant is bound by his answer by guardian *ad litem*.—The cases in which interest is allowed, and the mode of computing it.—According to the terms of the devise, in this case, it was held that the contribution of the devisees should be in proportion to the actual value of the property given to each.

THIS bill was filed on the 29th of October, 1827, by *Thomas Hammond, Philip Hammond, George W. Hammond, John Hammond, and Charles Hammond*, against *Rezin Hammond, Elizabeth Hammond, Matilda Hammond, Harriet Hammond, and Philip H. Mewburn*. The bill states, that the late *Philip Hammond* made his will, on the 6th of August, 1822, and soon after died, seized and possessed of a large real and personal estate; that by his will, he gave particular portions of his estate to each of the parties to this suit, upon the terms specified; that he emancipated some of his slaves; that he directed certain parcels of his real estate to be sold for the payment of his debts; and appointed his wife, the defendant *Elizabeth*, with the defendant *Rezin*, and the plaintiffs *Charles* and *Thomas*, his executors.

The only dispositions of this testator's will, that are, at all, material to this controversy are the following, in which, among other things, he says: 'to my son *Charles Hammond*, and his heirs for ever, I give and bequeath the following negroes, *to wit, Andrew, Dinah*, and her daughter *Amy*,' &c.; and again he says, 'to my daughter *Harriet Hammond*, and her heirs for ever, I give and bequeath the following negroes, *to wit, Margaret and Rose*,' &c. And he then concludes his will in these words. 'I will and direct, that all the residue of my lands in Anne Arundel county, which have not been devised by me to my children, nor grandchildren, be sold by my executors, and the moneys arising from the sales thereof, be applied to the payment of my debts, and should there be more than