

from the personalty, if sufficient to pay all, or by a sale of the realty, if the personal estate be insufficient. (e) And even if the bill be filed by one bond creditor only for the satisfaction of his own particular debt, the constant course, in England, is to direct an account of all the bond debts of the testator or intestate, with liberty to come in for satisfaction; without which no decree for a sale can be, for as they have all a lien against the heir, who is bound as well as the ancestor, they are all entitled to receive satisfaction; and might otherwise sue at law notwithstanding the decree for a sale; but it would be very mischievous should the court suffer another bond creditor, who has not obtained judgment, after a decree for a sale, to proceed against the estate, as the effect of a sale could not be had during the continuance of the *levari* on the judgment which must be removed in order to a sale. (f) But as bond creditors have an election to sue and obtain satisfaction from the executor, or the heir, at common law, it is not often, in England, that they proceed in equity; unless it be to have a discovery and account of the rents and profits of the realty, or to obtain some other advantage which they cannot have at law. (g)

16th April, 1803.—HANSON, Chancellor.—Ordered, that the sale be absolutely ratified, notice, &c. &c., and that the auditor make a distribution of the money according to the will of said Conway, filed in this cause, subject to the control of the Chancellor.

After which, the trustee brought into court the sum of £228 15s. 0d. arising from the sale of the said estate.

20th April, 1803.—HANSON, Chancellor.—Ordered, that the register receive the same, and, with the treasurer's leave, deposite it in the Western Shore Treasury, to be applied agreeably to the order this day passed. Whatever there may be paid for interest is to be divided among the persons entitled to receive the principal.

N. B. The money lodged is, 3 bank notes of \$20; 12 of \$5; 20 of \$10; and 290 silver dollars, which is equal to £228 15s. 0d.

The auditor, having made and reported a distribution of the proceeds of sale, the case was again submitted.

23d April, 1803.—HANSON, Chancellor.—Ordered, that the money arising from the sale of the real estate of George Conway be applied agreeably to the auditor's report; that is to say, that there be paid to each of the five heirs therein mentioned, or his or her legal representatives, the sum of £40 11s. 10d.; and that the residue be applied to the discharge of costs and commission, &c., agreeably to the auditor's statement. If one of the five heirs be dead, and the others are his representatives, the part of the deceased is to be divided among the others.

(e) *Joseph v. Mott*, Prec. Chan. 79; *Anonymous*, 3 Atk. 572; *Mould v. Williamson*, 2 Cox, 386.—(f) *Marten v. Marten*, 1 Ves. 214.—(g) *Curtis v. Curtis*, 2 Bro. C. C. 633.