

ought to be sold immediately for the benefit of creditors, without waiting for the particular estate to fall in; and such is now the

Claims not established; the vouchers which the parties probably are possessed of not being produced.

Clement Sewell, (bond copy,)	£52	4s.	3¼d.	Aug. 1, 1784.
Isaac Wikoff, do.	52	2s.	4d.	Aug. 1, 1799.
Esther Hindman, (supposed bond,)	25	18s.	4d.	Sept. 15, 1789.
Do. do. account,	18	5s.	11d.	Aug. 18, 1792.
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	£148	10s.	10¼d.	

Total of claims, as follows, £324 0s. 6¼d. without interest.

James Hindman, as administrator, &c. has a bond for £112 11s. 6¼d. endorsed with receipts for £2 17s. 3d. and £5 9s. 10¼d.; and also by amount of taxes, the sum not mentioned. So that the amount of his claim cannot be precisely ascertained, although his claim was the foundation of the decree. William Hemsley, one of the complainants, says in the bill, that the deceased was indebted to him by bond, &c. leaving blanks for the sum. The answer admits this blank claim. If the solicitor has the bond, he never has produced it. The neglect of creditors to send their vouchers, or of their counsel to produce them, is a source of much trouble to the Chancellor. In the present case, it seems, the trustee has received money, and the Chancellor cannot direct the application, unless he gives a preference to those whose claims are ascertained; and if he does this, it is more than probable, that clamours will ensue. He must, however, do this, unless the creditors shall think proper to produce, within a short time, the proofs by which their claims are to be supported. It is the Chancellor only who is to decide; and, therefore, the original papers are to be lodged in the chancery office. There can, indeed, be no good reason wherefore a creditor, whose claim is allowed, and is to be satisfied, should retain the bond, note, or other thing on which his claim is founded.

By all decrees for sale, &c. the money arising from the sale, is directed to be brought into court. And this part of the decree is not only conformable to the provisions of the law, giving the Chancellor jurisdiction, but is meant for the security of those interested in the decree, in case they cannot settle the matter without bringing the money into court. This, however, is seldom done; and the receipts in writing, of the parties to whom the money is to be paid, when brought into court, are admitted instead of money; that is to say, when the claims are passed by the Chancellor, to be fully paid, or a dividend is struck by the Chancellor, the trustee may pay the money in the country, take receipts and lodge them in chancery instead of so much money.

In answer to the application of Mr. Edmondson, the trustee, this day received, the Chancellor can only say, that if a purchaser, under a decree of this court, for the sale of lands on credit, for the payment of debts, tenders the purchase money on the day of sale, and tenders the same immediately after the Chancellor's ratification of the sale he ought not to be charged with interest. The Chancellor cannot, with propriety, give any opinion or direction on any *ex parte* statement, relative to a particular case.

For the reasons already stated, the Chancellor cannot, at present, ascertain the sum to be raised by a further sale of Solomon Clayton's estate. He will proceed to pass an order on the 2d of March next, for the application of the money received or to be received, on the sale already made; and it is hoped, that before that day the creditors will produce their proof.