

cree. (d) Such has always been held to be the true construction and necessary consequence of those legislative enactments ; for, if it were not so, they would have removed no obstructions, nor given to creditors any additional facilities whatever in recovering satisfaction of their debts from the real estate of their deceased debtor, in the hands of his *infant* heirs or devisees. (e)

(d) *Hill v. Binney*, 6 Ves. 738 ; *Burroughs v. Elton*, 11 Ves. 36.

(e) But, in regard to this privilege of infants, it may be well to recollect, that, in some cases, it still exists ; and that the parol may demur in all cases at common law and in equity, except where it has been otherwise provided by the above-mentioned acts of assembly ; by those acts in relation to proceeding by publication, against absent *infant* defendants, and by the act which relates to infants who may be made parties to a suit which had abated by death. In Virginia, it has been declared that the parol shall not demur in any suit at law or in equity, by reason of the infancy of the plaintiffs or defendants, or either of them—1798, ch. 240. In England, the giving of a day to shew cause after they come of age, and allowing the parol to demur, has, by a statute passed in the year 1830, been totally abolished. 1 W. 4, c. 47, s. 10 ; *Kelsall v. Kelsall*, 8 Cond. Cha. Rep. 61 ; *Powys v. Mansfield*, 9 Cond. Cha. Rep. 446. By the civil law, the estate of a minor might be sold by his guardian for the payment of any debts due by the ancestor or person from whom it was derived ; or for any necessary purpose under the sanction of a decree of a court ; yet it is said, that according to that law, if there be a suit or controversy on foot touching the estate of the minor, it should, in his favour, be postponed until the time of his puberty. *Ayliffe Civ. Law*. 218, 219 ; *Bac. Abr. tit. Infancy and Age*, L. 1.

*BOND v. BOND*.—This creditor's petition, filed on the 21st of October, 1783, stated, that the petitioners were creditors of the late Joshua Bond, who died intestate, seized of a considerable real estate, leaving a widow and several children, among others, John Bond, the only defendant, a minor, his eldest son and heir at law ; that the intestate, at the time of his death, was indebted to the petitioners and divers persons in considerable sums of money, far exceeding the amount of his personal estate, which Ann, his widow, as administratrix, has paid away in discharge of his just debts. Prayer that the lands be sold, &c. The infant defendant and heir answered by his guardian *ad litem*, &c.

2d June, 1786.—*ROGERS, Chancellor*.—This case standing ready for decision, and the petition, answer, and other proceedings, appearing as before recited and set forth, it is thereupon *Decreed*, with the assent of the said John Dodd as guardian of the said John Bond, that the said John Dodd who is hereby appointed trustee for that purpose, and the other purposes of this decree do set up and expose to sale at public vendue, upon twelve months credit, the several tracts and parcels of land in the petition mentioned, or such part or parts thereof as may be sufficient to pay and satisfy the petitioners their respective claims ; that is to say, all that tract of land called Good Luck, lying in Baltimore county, and containing one hundred and twenty-five acres, more or less ; all that tract of land called Addition to Good Luck, lying in Baltimore county, and containing twenty-five acres, more or less ; and also all that other tract of land, lying in Baltimore county, called Round About Neighbours, and containing sixty-one acres, more or less ; after giving six weeks notice thereof, in the Baltimore newspapers, of the time and place of such sale ; and the same several tracts of land when so sold ; or so much thereof so disposed of as may be necessary for the purposes aforesaid, the said John Bond, by his guardian afore-