

tain satisfaction by a sale of his real estate, is the insufficiency of his personal estate to pay his debts. If that fact be denied, an ac-

thereupon *Decreed*, with the assent of the said Hercules Courtney, as guardian of the said Elizabeth Neill, Mary Neill, Alexander Neill, Callender Neill, and Isabella Neill, that he the said Hercules Courtney, who is hereby appointed trustee for that purpose, do and shall, after the application of the personal estate of the said William Neill to the payment of his debts, set up and expose to sale, at public vendue, the several tracts and parcels of land and lots of ground in the proceedings mentioned, or such part or parts thereof as may be sufficient to pay and satisfy to the plaintiffs and others, creditors of the said William Neill, their several and respective claims; that is to say, all that tract of land, &c., (here the real estate is described, and then the decree proceeds,) after giving six weeks notice thereof, in the Annapolis and Baltimore newspapers, of the time and place of such sale, one-third of the purchase money, with interest, to be paid in twelve months, one-third thereof with interest in eighteen months, and the other third with interest in two years from the said sale; and the same tracts and parcels of land when so sold, or so much thereof as may be necessary for the purposes aforesaid, the said trustee do, and shall effectually convey and assure to the purchaser or purchasers thereof, their heirs and assigns, in fee, upon payment of the purchase money thereof, and interest to the said Hercules Courtney, as trustee aforesaid. And it is further *Decreed*, that the said trustee do and shall, as soon as the sales aforesaid are made, and upon his receipt of the purchase money, pay in due course of administration the plaintiffs and others, the creditors of the said William Neill, the amount of their respective claims. And it is further *Decreed*, that the said trustee do and shall, as soon as the several tracts of land, or so much thereof as may be necessary for the purposes aforesaid, are sold, obtain from the purchaser or purchasers thereof, bonds, with good and sufficient surety, for the payment of the consideration money and interest, and make and lodge in this court, under his hand, and with his affidavit of the truth thereof, thereto annexed, a just and accurate account of the said sales, to whom made, and when, and at what price the same were disposed of; and also as soon as may be after the receipt of the purchase money thereof, render to this court a full, just and true account of his payments and disbursements thereof, to whom made, and at what time or times. And it is further *Decreed*, that the said trustee do and shall, before any sale is made of the premises, in pursuance of this decree, execute and file in this court his bond to the state, with good and sufficient surety, in the penalty of £20,000 current money, well and faithfully to fulfil and perform the trust in him reposed by this decree. And it is further *Decreed*, with the consent of all parties concerned, that one-third part of the several parcels of land, herein before described, be reserved for the aforesaid Isabella, who, since filing this petition, hath intermarried with a certain Thomas McIntire, for and during her natural life, as, and for her dower in the said lands, in lieu and as a recompense for any bequest or provision, made or given to the said Isabella, by the said William Neill, in his last will and testament. And it is further *Decreed*, that the aforesaid trustee be allowed a commission of seven and one-half per centum, for his trouble in selling and disposing of the lands aforesaid, and paying away the money arising from the sale or sales according to the tenor and directions of this decree.—*Chancery Proceedings*, lib. S. H. H. lett. B. fol. 201.

FLEMMING v. CASTLE.—This bill, filed on the 31st of December, 1787, by James Flemming and others, creditors of John Castle of Frederick county, deceased, against John Castle, set forth that the deceased's personal estate was insufficient to pay his