

determined before there can be a decree for a sale of the realty; or, even if the insufficiency of the personal estate be to some

6th February, 1790.—HANSON, Chancellor.—Decreed, with the consent and at the instance of Robert Wade, guardian of Margaret S. Magruder, that all the real estate of the said Margaret S. Magruder, be sold for the payment of the just debts of the said Edward Magruder, deceased, in and to the same, &c. that he first give six weeks notice, in the Annapolis and Baltimore newspapers, to the creditors of the said Edward Magruder to bring in to him, the said trustee, their respective claims legally proved; and the like notice of the time, place, and terms of sale, &c. And shall produce and lodge in this court with the register, the net proceeds of the money thence arising, to be subject to the future order and distribution of this court.—*Chancery Proceedings, lib. S. H. H. lett. C. fol. 276.*

McMULLIN v. BURRIS.—This bill, filed on the 22d of July, 1790, states that the late Edward Burris died leaving real and personal estate; that two of the plaintiffs, as his administrators, had fully administered the whole of his personal estate, and had overpaid just debts; and that others of the plaintiffs were also creditors of the deceased; whereupon it was prayed that the real estate might be sold for the payment of the debts of the deceased.

The defendant's infant heirs answering by their guardian *ad litem*, admitted the facts as stated in the bill.

8th May, 1792.—HANSON, Chancellor.—This case standing ready for hearing on the bill and exhibits, and on the answer of the defendants by their guardian Thomas McMullin, together with the other exhibits and proceedings in this cause, the same were read, and by the court considered; and it appearing to this court, by the admissions of the said defendants, by their guardian, in the answer aforesaid, and also by the exhibits aforesaid, that the personal estate of the said Edward Burris is insufficient to pay his debts, and that he left real estate to descend to the said John Burris and James Burris, who were, at the time of his death, and still are, infants.

It is thereupon *Decreed*, that the real estate of the said Edward Burris, consisting of a tract of land called Stoney Battery, containing one hundred and fourteen acres, lying in Cecil county, which has descended to the said John and James Burris, be sold for the payment of the debts of their said father Edward Burris; that Richard Thomas, of said county, be, and he is hereby appointed; trustee to sell the said real estate, and that the manner of his proceeding be as follows: he shall first give notice by advertisement, inserted four weeks successively in the newspaper of Goddard & Angel, and set up in the most public places in the county, to the creditors of the late Edward Burris, who have not already exhibited their claims in this court, to bring in their respective claims legally proved, and lodge the same with the register of this court. And the said trustee shall then, in like manner, give four weeks notice of the time, place and terms of sale of the said real estate, which shall be by auction, the purchaser or purchasers giving bonds, with approved surety, for the payment of the consideration money, with interest, at two equal annual payments, reckoning from the time of sale. And the said trustee shall, if the purchaser or purchasers will thereto agree, divide the purchase money to be paid by the purchaser or purchasers into four or more parts, and take a separate bond for each part, in order that the same may be assigned among the creditors, in case they shall so elect, and it shall hereafter appear to this court proper to be so done. And when the said real estate shall have been sold, and the confirmation, by the Chancellor, of the sale shall have been obtained, and the purchase money paid to the said trustee, he shall, as