claims in order to ascertain what proportion of the real estate must be sold. (*f*) If, on thus taking an account of the personal estate, it should be clearly shewn to be abundantly sufficient to satisfy all the creditors of the deceased, then the suit may, thenceforward, be confined to the administration of the personal estate alone, continuing the personal representatives only as defendants, and dismissing the bill as against the heirs. But, it is the habit of the court, where the insufficiency of the personal estate is admitted or shewn, and it thus foresees that the real estate must be sold, to decree a sale of it immediately without setting the case down for final hearing. (*g*)

The establishment of some claim of a creditor, and the insufficiency of the personal estate to discharge the debt due by the deceased, thus shewn, or not denied by the heirs, being the foundation on which a decree for a sale of the realty must rest; and without which it could not have been passed, such a decree, therefore, necessarily establishes the validity of such claim, and the insufficiency of the personalty, without leaving those matters open to any further question by any of the immediate parties to it. (*h*) And as the coming in, under such decree, implies a submission to it, no creditor, who thus comes in, can be allowed to impeach it; except on the ground of fraud among the original parties to it; and in so far as it injuriously affects his interests, by making a wrong disposition of the property. (*i*) If a part only of the claim of the plaintiff be sustained, the decree should specify what part has been established; and how much has been finally rejected, or is to be allowed to stand over to be again brought forward, upon further proof, with the claims of other creditors; but if no such specification be made, then it must be assumed, that the decree has finally established the validity of all the claims of the several plaintiffs. (*j*) And although the personal estate may not be suffi-

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the register of this court a bond to the infant defendants Eleanor Clarke and Samuel Clarke, with good and sufficient surety, approved by the Chancellor, in the penalty of £400, with the following condition, &c. (This bond was required by 1785, ch. 72, s. 2, but it has been since declared that it shall not be necessary or required, 1837, ch. 292.)

(*f*) Corrie *v.* Clarke, 1 Bland, 85, note.—(*g*) Holme *v.* Stanley, 8 Ves. 1; Lloyd *v.* Johnes, 9 Ves. 65; Birch *v.* Glover, 4 Mad. 376; Kilty *v.* Brown, ante 222; Boucher *v.* Bradford, ante 222; Tyson *v.* Hollingsworth, ante 327; 1835, ch. 380, s. 1; Chamberlain *v.* Brown, ante 221.—(*h*) Mackubin *v.* Brown, 1 Bland, 415.—(*i*) Giffard *v.* Hort, 1 Scho. & Lefr. 409.—(*j*) Strike's Case, 1 Bland, 68; Mackubin *v.* Brown, 1 Bland, 414; Williamson *v.* Wilson, 1 Bland, 441; Chamberlain *v.* Brown, ante 221; Boucher *v.* Bradford, ante 222; Kilty *v.* Brown, ante 222.