

defendant *Foulke*; that the plaintiff *Andrews* had been informed, and believed, that the personal estate of the late *Stephen Scotton* would be insufficient to satisfy all his debts, so that *Andrews* was compelled to apply for a sale of the land in order to satisfy his claim. Upon which it was prayed, that the land, or such part thereof as might be necessary, might be sold to satisfy the claim of *Andrews*; and that such other and further relief might be granted to him as might be consistent with equity.

On the 23d of March, 1822, the widow *Ann Scotton* put in her answer, in which she admits the facts and circumstances in relation to the sale as stated in the bill; and that the personal estate of the intestate was not sufficient to discharge this debt and others exhibited against it. On the same day the administrator *Foulke* filed his answer, in which he also admits the sale as set forth in the bill, and says the personal estate of his intestate, so far as the same has come to his knowledge or possession, will not be sufficient to discharge all the claims which have been exhibited against it. On the 1st of April following, the infant defendants answered by their guardian *ad litem*, and admitted the facts alleged in the bill.

5th April, 1822.—JOHNSON, Chancellor.—The said cause standing ready for hearing, and being submitted, the bill, exhibits, answers, and all other proceedings, were by the Chancellor read and considered. And the claim of the complainant, as stated in the bill, being established to the Chancellor's satisfaction, and it appearing, that the deceased *Stephen Scotton* did not leave personal estate sufficient for the payment of his just debts,

It is thereupon *Decreed*, that the real estate of the said *Stephen Scotton* in the bill of complaint mentioned, or so much thereof as shall be necessary, be sold for the payment of the costs of this suit, of the claim of the complainants, and of such other debts of the deceased as shall be established to the Chancellor's satisfaction. And it is further *Decreed*, that *Ashur Foulke* be, and he is hereby appointed trustee for making sale as aforesaid, &c. He shall then proceed to sell the said tract of land in the proceedings mentioned, either entire, or in parcels as he shall think fit, upon the following terms, *to wit*: one-third part of the purchase money to be paid at the time of sale, or on the ratification thereof by the Chancellor; one other third part of the purchase money to be paid in twelve months from the day of sale, and the remaining third part to be paid in two years from the day of sale; for the payment