

They must be notified, as far as practicable, of this proceeding, and allowed to bring in their claims; and, upon establishing them, to obtain satisfaction. For, as the avowed object of this suit is to save the personalty from their grasp, by paying them, it must be considered as in effect, a creditor's suit, instituted for their satisfaction; so, that the interests of these parties may be thereby promoted; and therefore, no marshalling of the assets, thus liable to the claims of creditors, can be made in any manner whatever, to their prejudice, however advantageous it may be to these parties.

The proceeds of the sale about to be ordered, might, if it could be done with proper security, be placed in the hands of the administrator of the deceased, to meet, in due course of administration, the demands upon that personal property in his hands, which they are intended to relieve and save from the claims of creditors. But an administrator or executor only gives bond for the faithful administration of the *personalty*, as left by the deceased, which may come to his hands, and nothing else; and therefore, that bond could not be considered as a security for any proceeds of the sale of the realty which this court might direct to be placed in his hands. (k) And as this court could not demand any additional security from the administrator of the deceased, even if he were a party to this suit, it must itself call in the creditors of the deceased, and distribute the proceeds of sale among them as usual, in a creditor's suit originally instituted by a creditor in behalf of himself and all other creditors.

*Decreed*, that the tracts of land lying in Anne Arundel county, called *Scheckle's Chance*, and *Lot No. 57*, whereof *Henry Waring* died seized, be sold, and that *Thomas F. Bowie* be, and he is hereby appointed trustee to make the said sale, &c. &c.; to sell the said land and premises at public sale to the highest bidder on a credit of six months, the purchaser to give bond with surety to be approved by the trustee for the payment of the purchase money, with interest from the day of sale, &c. &c. And the said trustee shall, at the time of advertising the said property for sale, give notice to the creditors of *Henry Waring*, deceased, to file the

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(k) 1831, ch. 315, s. 10 and 11—as to sales of real estate by an *executor*, authorized to sell by his *testator*; and that the bond of an *executor* or *guardian* shall be answerable for the proceeds of the sales of the real estate of the *testator* or *ward*, which may come into his possession.