

Worthington died intestate, upon which administration of his personal estate was granted to the plaintiff, who, when the money became due, applied to *Robert Lee* for payment, who refused to pay. Whereupon she brought suit against him; and at September term, 1822, of Baltimore County Court, obtained judgment, upon which a *feri facias*, and *venditioni exponas* were issued, under which the equitable interest of *Robert Lee* in the said land was sold for the sum of \$105, to the defendant *Jesse Lee*, of which sum, after paying therefrom the legal expenses, commissions, and costs, \$68 43 only were paid in part discharge of the debt. Since which time *Robert Lee* died; but that no letters testamentary or of administration on his personal estate had been granted to any one; that he left the defendant *Temperance Lee* his widow, and the defendants *Thomas, Joshua, John, William, Caleb, Jesse, Clarissa, Matilda, Penelope*, and *Mary* his children, and the defendants *Eleanor* and *Ushley*, the children of his son *Robert Lee, Jr.*, deceased, his heirs at law; and that there is due and unpaid to the plaintiff of the mortgage debt the sum of \$800, including interest. Whereupon the bill prayed, that the mortgaged estate might be sold; and that the plaintiff might have such other and further relief as should appear to be consistent with equity and good conscience.

On the 14th of April, 1830, the defendants *Faner* and wife, and *Joshua Lee* demurred to this bill; and for cause shewed, that it appeared by the complainant's own shewing, that the equitable interest of the said *Robert Lee* had been sold under an execution, levied at her instance; and, consequently, that they or either of the heirs of the said *Robert* were not the proper parties to be made defendants.

The defendants *Houck* and wife on the 10th of August, 1830, also demurred to the bill; and for cause shewed, that, by the complainant's own statement, it appeared that both the legal and equitable interest in the lands alluded to in the bill had been parted with by *Robert Lee* and his heirs; and that he, or they, or his representatives were no longer any way concerned with regard to their disposal; and that these defendants were only complained of as the heirs of the said *Robert Lee*.

29th October, 1830.—BLAND, Chancellor.—This case standing ready for hearing on the demurrers of *Faner* and others, and the solicitors of the parties having been fully heard, the proceedings were read and considered.