

- On the coming in of the answer of an infant or lunatic, not contesting the allegations of the bill, a decree for a sale of the realty, as to him, may be at once obtained.—*Campbell's case*, 220; *Hammond v. Hammond*, 352; *Chamberlain v. Brown*, 221; *Boucher v. Bradford*, 222.
- In a creditor's suit, the case may be submitted to obtain a decree for a sale, without setting it down for hearing.—*Campbell's case*, 220; *Hammond v. Hammond*, 359.
- The parol does not demur in a creditor's suit, by reason of the infancy of a defendant.—*Campbell's case*, 224; *Hammond v. Hammond*, 330, 344, 351; *Watkins v. Worthington*, 519.
- Although creditors, merely as such, have no lien on the real estate of their deceased debtor; yet, the heir or devisee cannot alien it to their prejudice after a creditor's suit has been brought.—*Campbell's case*, 240.
- A proceeding against the heir at common law, with a publication against the others, in a creditor's suit.—*Kilty v. Brown*, 223.
- Where it appears by the voucher of a claim in a creditor's suit, that the deceased, with others, was bound, the creditor must shew whether the deceased was principal, surety, or co-surety, and if surety, that the others are insolvent.—*Watkins v. Worthington*, 516; *Kilty v. Brown*, 223; *Hindman v. Clayton*, 341.
- Of the proof required of the nature of the contract, whether principal, or surety, or co-surety, and of the insolvency of the principal or co-surety.—*Watkins v. Worthington*, 540.
- A creditor's suit does not profess to be the demand of a single creditor; but is a call for the administration of the estate for the benefit of all, 525.
- A creditor's suit to obtain the sale of real estate which had escheated.—*Arthur v. The Attorney-General*, 245.
- To a creditor's suit by a surety, his principal was not made a party, 246.
- A creditor's suit against an executor alone.—*The Bank v. Dugan*, 254.
- A creditor permitted to come in before the defendant had answered, 255.
- Where real estate is devised to be sold for the payment of debts, a trustee appointed *ex parte*, and treated as a creditor's suit.—*Hammond v. Hammond*, 321; *Deakins' case*, 398; *Ex parte Tongue*, 322.
- A simple contract creditor, cannot sustain an action at law, against the heir merely, in respect of assets descended, but must file a creditor's bill.—*Hammond v. Hammond*, 325.
- Real estate devised to be sold for the payment of debts, directed to be sold by a master, under the provincial government.—*Orchard v. Smith*, 319.
- The decree for a sale in such case, directed notice to be given to the creditors to come in, 319.
- Notice to creditors to file the vouchers of their claims, directed to be given by the decree for a sale, or by an order.—*Hammond v. Hammond*, 360, 364; *Ex parte Tongue*, 322; *Tyson v. Hollingsworth*, 329; *Hindman v. Clayton*, 337; *Sprigg v. Magruder*, 357; *McMullin v. Burns*, 357; *Pattison v. Frazier*, 374.
- A bond creditor may sue the adult or infant heir, either at law, or in equity by a creditor's bill.—*Hammond v. Hammond*, 324; *Tyson v. Hollingsworth*, 329.
- Where the same person is the representative of the deceased debtor, as well of his real as of his personal estate, justice may be done to the creditors without delay, as to the personality.—*Tyson v. Hollingsworth*, 330.
- A further sale may be ordered where the first is not sufficient, 329.
- Claims which have been passed or authenticated, as by the Orphans Court, allowed, if not contested.—*Hammond v. Hammond*, 365; *Hindman v. Clayton*, 338; *Pattison v. Frazier*, 381.
- The claims of creditors, when stated and confirmed, are usually paid by the trustee, without bringing the purchase money into court.—*Hindman v. Clayton*, 339.
- No one or more claims should be paid, unless it appears that there is enough to pay all, 340.
- The creditors of the ancestor of the deceased debtor, from whom the estate descended, are to be preferred to his own creditors, 341.
- A bond given by the heir does not amount to a virtual relinquishment of such preference, 342.
- As a payment made to a creditor cannot be recalled in favour of creditors who afterwards come in, they are without the means of relief, 348.—*Hammond v. Hammond*, 365.
- The insufficiency of the personality must be shewn before the realty can be sold; and, to shew that there may be an account, and the creditors called in.—*Hammond v. Hammond*, 357.
- A decree for a sale, virtually takes possession of the estate, and places it under the protection of the court, 360.
- After the court has by a decree, assumed the administration of the assets, it will by injunction, stay all other proceedings, 360, 392.
- Any other creditor who has come in, may be allowed to prosecute the suit, as well as the original plaintiff, 363.