

satisfaction from his personal estate. But this administrator craves an allowance for taxes which have accrued since the death of the intestate; but no such allowance can be granted. As to the credit for \$1,005, which the administrator insists on having allowed to him, I have already spoken of it in connexion with claim No. 5.

The personal estate of the deceased is to be regarded as an aggregate amount of value. It cannot be culled and parceled out so as to leave that which is of little or no value to rest as an incumbrance any where, or upon any one; but the whole must be so disposed of as to produce a clear average or aggregate amount for the benefit of all creditors first; and then for all who take after them. If, as is alleged, in this instance, the personal estate be composed in part of aged or infirm slaves, who are unable to maintain themselves, they must be disposed of with other portions of the personalty, so as not to leave them as a burthen upon any one, or upon the county. The right to have such slaves maintained by the owner, in discharge of the county, has been expressly given as a public claim, by which the estate of the deceased owner is bound; (n) and therefore, the administrator must, at his peril, make such a disposition of the estate, if practicable, as to secure to the public, that right; and he cannot be allowed, to the prejudice of the creditors, or next of kin of the deceased, to retain any thing for the maintenance of such aged or infirm slaves.

Whereupon it is *Ordered*, that this case be and the same is hereby again referred to the auditor, with directions to state a final account. The claim No. 4, is to be first and fully satisfied from the proceeds of the real estate that has been sold; and then from the same proceeds, the amount agreed upon, according to the terms of the agreement, is to be allowed to *Christiana Mackall*, the widow, in lieu of her dower; and then, after the satisfaction of these claims, the residue of the proceeds of the realty is to be applied in full satisfaction of claim No. 11; after which an amount is to be set apart equal to the full satisfaction of claims No. 35 and 36. The claims No. 5, 6, 18, 19, 20 and 28, are to be first fully satisfied out of the personal estate, or so far as it will go, so as distinctly to shew the deficiency, if any, to be made up to each of those claimants out of the realty. But if a surplus of the personalty should remain, after

(n) 1796, ch. 67, s. 13 and 29; 1824, ch. 100; *Keane v. Boycott*, 2 H. Blac. 511, note.