

*Decreed*, that the real estate in the proceedings mentioned, whereof the late *William Wyse* died seised, be sold for the payment of his debts; that *John Scott* be appointed trustee to make the sale, &c., the terms of which shall be as follows: One-third of the purchase money to be paid in six months from the day of sale, one other third in nine months from the day of sale, and the residue in twelve months from the day of sale, the whole to bear interest from the day of sale, and to be secured by bond with surety to be approved by the trustee, &c. And the trustee, at the time of advertising the property for sale, shall give notice to the creditors of the said late *William Wyse*, to file the vouchers of their claims in the Chancery office, within four months from the day of sale.

The plaintiff *Tessier*, by his petition on oath, stated, that the defendants before and since the passing of the decree, and then were felling, carrying away and selling timber and other trees from the land of which *William Wyse* died seised, and which had been ordered to be sold by the decree; and that the whole of the real estate of the deceased would be insufficient to pay the plaintiff's claim. Whereupon it was prayed, that an injunction might be issued to restrain the defendant from committing waste, &c.

7th October, 1830.—BLAND, *Chancellor*.—It has always been understood here, that such a decree as this on a creditor's suit requiring the personal representative to account, and directing the real and personal estate to be sold for the payment of the debts of the deceased, virtually puts the property into the possession of the court, and places it under its immediate control and protection for the benefit of all concerned; so that, on application for that purpose, the estate may, until a sale can be effected, be disposed of to the best advantage, or immediately protected from injury and loss. (d) Therefore let an injunction issue as prayed.

The defendant *Matilda Wyse*, by her petition, on oath, stated, that she did not attain the age of twenty-one years until the 16th of June, 1830, and believes, from the information she has received, that she can be enabled to produce testimony which would have an important bearing on the merits of the plaintiff's claim, and tend to prove that he had no such claim as entitled him either legally or equitably to have a sale of the real estate of the de-