

DEBTOR AND CREDITOR.—*Continued.*

- devised to infants, is that of having virtually abolished an infant's privilege of having the parol to demur in a creditor's suit. *Ib.*
11. The provisions of the Act of Assembly allowing creditors to obtain satisfaction from the escheatable estate of their debtor, do not affect their rights, or any mode of proceeding as against his heirs or devisees. *Ib.*
 12. Where the then defendants are entitled to both personal and real estate, the making of the personal representatives of the deceased debtor a party may be dispensed with. *Ib.*
 13. In a creditor's suit, even if the bill should be dismissed as to the heirs, yet relief may be had against the administrator to the extent of the assets in his hands. *Ib.*
 14. The decree for a sale virtually puts the estate under the protection of the Court; and, therefore, an injunction may be granted to stay waste. *Ib.*
 15. The mere fact of an infant's having attained his full age is not a ground for rehearing in a creditor's suit.
 16. Although an infant, who attains his full age pending a suit, may be allowed to come in, as of course, and demur, plead, or answer, yet he cannot be permitted to do so in a creditor's suit after a decree. *Ib.*
 17. The debts of a debtor were formerly, as a matter of grace, always paid out of his forfeited or escheated estate. *Hepburn's Case*, 78.
 18. The Revolutionary Confiscation Acts gave to the creditors of alien enemies, remedies as effectual as those taken away; and removed no property beyond the reach of such creditors. *Ib.*
 19. The object of the judicial proceeding by attachment is to enable a creditor to obtain satisfaction from his absent debtor's property found here. *Ib.*
 20. It is intended to enforce payment of debts only; it will therefore lie on a judgment, bond, note, account or the like; but not on a covenant, bond with collateral condition, for trespass, &c. *Ib.*
 21. Although a non-resident alien enemy cannot sue; yet a citizen creditor may, by attachment, obtain satisfaction from the property found here of such alien debtor. *Ib.*
 22. The nature and principles of the Revolutionary Confiscation Acts considered and applied. *Ib.*
 23. What acts of the creditor will discharge a surety. *Salmon v. Clagett*, 106.
 24. If all the creditor's remedies be expressly reserved, the surety will not be discharged by any act of the creditor. *Ib.*
 25. A creditor's suit does not abate by the death of a plaintiff or any creditor who may have come in, if there be then a plaintiff or creditor competent to prosecute the suit. *Austin v. Cochran*, 341.
 26. But a creditor's suit will abate by the death of a defendant heir or devisee, whether there be any surplus of the proceeds of the sale to be returned to him or not. *Ib.*
 27. On the petition of a widow in a creditor's suit, a commission may be issued to assign her dower. *Ib.*
 28. Another person may be admitted as a purchaser in place of him who was reported as such. *Ib.*