

words, that the judicial proceedings should be stayed until he attained his full age. (*l*)

But it must be recollected, that this is a creditor's suit, as to which it is expressly declared, that where any person dies without leaving personal estate sufficient to discharge his debts, and shall leave to descend, or shall devise real estate to a minor or lunatic, the Chancellor shall have full power upon application of any creditor of the deceased, and after summoning and hearing the infant or lunatic, by guardian or committee; and the claim of the creditor has been fully established, to order the real estate of the deceased to be sold for the payment of his debts. (*m*)

In this instance, the claim of these plaintiffs, as designated, has been admitted, and the insufficiency of the personal assets for the payment of that claim has also been distinctly admitted; and, therefore, upon these admissions, which the committee of the lunatic, and the guardian *ad litem*, of the infant were competent to make; since the answer of a lunatic by his committee may be read against him, as an answer of one of full age and sound mind. (*n*) And the answer of an infant by his guardian *ad litem*, at least in cases of this kind, may be read against him also, as if made by him when of full age; (*o*) there can be no doubt as to the power and duty of the Chancellor immediately to decree a sale of the real estate for the payment of the debts of the deceased, without regard to any postponement or delay to which a lunatic or infant was formerly entitled, or with which they might otherwise have been indulged.

All real estate in Maryland has been made subject to be taken and sold for the satisfaction of the debts of its owner; yet that has not in any manner affected the debtor's right to alien, or devise it *bona fide*, in any way he may think proper. It has, however, been declared by statute, that all devises in fraud of creditors, shall be deemed void; (*p*) that is, where the debtor devises his real estate to any one, without leaving a sufficiency in the hands of his heir, or executor, to pay his debts. Yet, if a testator devises real estate for the payment of his debts, in a way that may be sufficient and effectual for that purpose, it will not be affected by this statute.

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(*l*) 1721, ch. 14, s. 2; 1729, ch. 24, s. 16; *Taylor v. Philips*, 2 Ves. 23; *Plasket v. Beeby*, 4 East. 485.—(*m*) 1785, ch. 72, s. 5.—(*n*) *Leving v. Caverly*, Prec. Chan. 229; *Wilson v. Grace*, 14 Ves. 172.—(*o*) *Hammond v. Hammond*, post.—(*p*) 3 W. and M. c. 14.