

Case No. 8,739.

MCCULLOCH v. McLAIN.

{1 Cranch, C. C. 304.}¹

Circuit Court, District of Columbia.

March Term, 1806.

WILLS—REAL PROPERTY—CHARGE ON TO PAY DEBTS.

The words, "I will, in the first place, that my just debts be charge," charge the real estate with the payment of the debts.

Bill in equity {by McCulloch against McLain's executors} to charge real estate with the payment of debts. The words of the will were, "I will, in the first place, that my just debts be paid by my executors." The testator then devises all his estate, real and personal, to trustees, and makes them executors. The authorities cited for the complainant were: 1 Eq. Cas. Abr. 198; 2 Eq. Cas. Abr. 371, 372; and [Trott v. Vernon. 2 Vern. 708.](#)

THE COURT decreed a sale of the real estate.

¹ [Reported by Hon. William Cranch, Chief Judge.]