

Case No. 18,102.

WRIGHT v. WEST.

[1 Cranch, C. C. 303.]<sup>2</sup>

Circuit Court, District of Columbia.

March Term, 1806.

WILL—CHARGE ON LAND—CERTIFICATE OF OFFICER.

1. A devise of lands, “after payment of debts,” subjects the land to the payment of the debts.
2. Where a clerk certifies the mayor, it is not necessary that the mayor should certify the clerk.

[Cited in Addison v. Duckett, Case No. 77.]

WRIGHT v. WEST.

Bill In equity for the sale of real estate to pay debts. The words of the will were, "I give the whole of what I may be possessed of, at my decease, and after my, debts are paid, to Mrs. West" The plaintiff's claim was for a balance due for work and labor.

E. J. Lee, for defendant, demurred to the bill, because it did not state that the plaintiff could not establish his debt at law, nor that he could not prove the amount of assets at law. If the will makes the real estate assets, the executrix is bound to return them in the inventory.

Demurrer overruled.

The defendant then offered an answer, sworn before an alderman of Richmond, who was ex officio a justice of the peace. Rev. Code, 72. The alderman was certified by the mayor of Richmond, who was certified by the clerk of the court of hustings.

Mr. Taylor, for plaintiff, objected to the answer, because the mayor had not certified the clerk of the court of hustings.

But THE COURT overruled the objection, upon consideration of the case of Potts v. Ghequiere, in this court in March, 1805 [Case No. 11,346].

<sup>2</sup> [Reported by Hon. William Cranch, Chief Judge.]