

DEBTOR AND CREDITOR.—*Continued.*

18. How far lands in possession, reversion, or remainder, in the hands of an heir or devisee, are liable for debt at common law, or by statute. *Hammond v. Hammond*, 287.
19. The cases in which a creditor's suit may be sustained; or in which the Court will take upon itself the administration of an estate. *Ib.*
20. The form and necessary allegations of a creditor's bill. *Ib.*
21. Where equity will take upon itself the general administration of the assets of a deceased debtor. *Ib.*
22. And it will, in some cases, assume the distribution of the estate of a living insolvent debtor among his creditors, upon the principle that equality is equity. *Ib.*
23. The privilege formerly granted to infants of allowing the parol to demur until they attained their full age has been abolished as regards creditor's suits, and the real estate of a deceased debtor, whose personalty is insufficient, may be sold, notwithstanding the minority of the heirs or devisees. *Ib.*
24. The plaintiff must have an interest in common with the other creditors; and therefore a mortgagee, or a vendor, having an equitable lien, cannot, merely as such, sustain a creditor's suit. *Ib.*
25. A creditor's suit may be engrafted on another suit having a different object. *Ib.*
26. The general rule is that all persons having an interest in the object of the suit ought to be made parties, but the practice, as regards defendants, is to stop short at the personal representatives of the deceased, unless special circumstances should require others to be brought in. *Ib.*
27. If the deceased left no personal estate, or no administration has been granted, a creditor's suit may be maintained against the heirs and devisees of the deceased debtor without making his personal representatives parties. *Ib.*
28. In some cases the surviving partner of the deceased, or a third person having possession of assets, should be made a party defendant. *Ib.*
29. It is unnecessary to describe particularly in the bill the real estate of the deceased. *Ib.*
30. The other creditors should be called in to participate as co-plaintiffs. *Ib.*
31. Where a creditor may sue, either for his own claim alone, or as well in behalf of others as of himself, he should, by averment in the bill, make his election to sue in the one way or the other. *Ib.*
32. But in general, it is the nature of the case which gives to it the character of a creditor's suit. *Ib.*
33. Even if the insufficiency of the personalty be to some extent admitted or established, still the creditors may be notified to bring in their claims, in order to ascertain what proportion of the realty must be sold. *Ib.*
34. If the personalty be shown to be sufficient, the suit may thenceforward be confined to the administration thereof. *Ib.*
35. If the insufficiency of the personalty be established, it is customary to decree a sale of the realty immediately, without setting the case down for final hearing. *Ib.*