

granted him relief only upon condition of his reimbursing Strike for all his improvements and advances, because they enured to the use and benefit of Rogers. But no equitable principle of that sort can be urged against the complainants. They are here as creditors, praying to be relieved against a fraud contrived between Rogers and Strike.

But, admitting all this. It is alleged, that, independently of the vacated deeds and of the decree, Strike has a claim as a kind of *salvor* of this property, which ought to be allowed. It is said he has saved it from the hands of the ground landlord, by paying the ground rent; he has saved it from the grasp of the Pratt street commissioners, by paying the assessment levied upon it; and he has saved it from the power of the State, by paying the taxes. He maintains, that he has a right to assume the place, and to be substituted for those claimants, and he founds this claim upon the doctrine of substitution. But Strike, as regards these complainants, was an uninvited officious *mala fide* meddler with property which he knew did not belong to him, and which he was apprised ought to be liable to the claims of Rogers' creditors. He made these advances to serve himself, not for the benefit of these complainants; and if he had an intention, that these advances should enure to the personal benefit of any one, it must have been to Rogers; because it was from him he took the estate; and if the conveyances were to be annulled, it was only against him he could seek reimbursement. *Kames' Pri. Eq. b. 1, p. 1, s. 3.* Strike, therefore, cannot have, against these complainants, any shadow of countervailing equity on which to rest his claim for these advances, out of the proceeds directed to be brought into Court.

Having discussed the liabilities and pretensions of the defendants, let us now consider the interests of the complainants among themselves. This is what is commonly called a creditors' bill; and where two or more creditors bring such a bill, or others come in afterwards, the adjustment of their rights and interests, in relation to each other, and the objections which the defendants may make against those who have come in, after the institution of the suit, most generally remain to be considered and decided when the

**84** \* Court is called on to make a distribution of the fund. The claim of the plaintiffs has, as we have seen, to a certain extent, been settled and determined by the decree of May, 1822; and therefore, their claim is not now to be reconsidered and re-investigated.

It has been objected, that the bill does not, as it ought, allege that the complainants sue as well for the benefit of other creditors, as for themselves. It is often a matter of some perplexity to determine who ought to be made parties, the rule being laid down in general terms, that all who are interested in the decree should be made parties. This decree virtually recognizes this as one of those