

as well for the benefit of creditors, as for the protection of the representatives of the deceased debtor; *Kenyon v. Worthington*, 2 *Dick.* 669; *Perry v. Phelps*, 10 *Ves.* 40; *Drewry v. Thacker*, 3 *Sican.* 543; either because the assets of the deceased are, or may, if not placed in safety and correctly administered, be insufficient to satisfy all; or because it is necessary for the legatees, or secondary claimants, who can obtain nothing until the creditors, or primary claimants or incumbances have been first called in and satisfied; *Clarke v. Ormonde*, 4 *Cond. Cha. Rep.* 47; or because the debtor, though alive, being insolvent, has no more than a certain amount to be distributed ratably among his creditors, or has by a deed of composition specially appropriated all his estate and effects for the satisfaction of all his creditors, who all come in accordingly; *Atherton v. Worth*, 1 *Dick.* 375; which property is likely to be misapplied, or wasted by the debtor or holder of it; or that the parties to the deed of composition are too numerous to be made parties to such suit. *Doynes v. Thomas*, 7 *Ves.* 206; *Weld v. Bonham*, 1 *Cond. Cha. Rep.* 361; *Gray v. Chaplin*, 1 *Cond. Cha. Rep.* 451; *Williamson v. Wilson*, 1 *Bland*, 430. The sole or principal object of bills in equity for any of these purposes being the satisfaction of creditors, they are emphatically called creditors' suits; and are, for the most part, governed by rules common to them all. (n)

By the common law, lands in the hands of the heir, were liable to bond creditors only, where the heir was specially bound; and even to that extent, as they had no lien upon the real estate descended; the heir was only personally liable, in respect of and to the value of the real assets descended; and, therefore, a bond creditor could make no claim against such real estate in the hands of a *bona fide* purchaser for a valuable consideration without notice. 1 *Eq. Ca. Abr.* 249; *Coleman v. Winch*, 1 *P. Will.* 777; *Mattheus v. Jones*, 2 *Anstr.* 506; *Craig v. Baker*, *ante*, 238. But even a bond creditor could not recover his debt of the heir, if he * had aliened the land before an action was brought, or of a devisee of his debtor at any time. *Solley v. Gower*, 2 **318** *Vern.* 61; *Plunket v. Penson*, 2 *Atk.* 291; *Ex parte Moreton*, 5 *Ves.* 449; *Bac. Abr. tit. Heir and Ancestor, F.* To prevent this wrong and injury to creditors, it was declared by an English statute, passed in the year 1691, that the heir should be liable to the value of the land descended to, and aliened by him; and that all devises should be void, as against creditors; who should have the same right to sustain an action of debt against such devisee, that they could have had against the heir. 3 *W. & M. c.* 14. But as the relief, given by this statute, is confined to those cases only

(n) It has been provided by a late Act of Assembly, that in certain cases, a creditor's bill may be filed against a corporation, 1832, ch. 306, s. 4.