

Kidney v. Coussmaker, 12 Ves. 156, n; *Richardson v. Smallwood*, 4 Cond. Chan. Rep. 262.

Hence, in this case, although there are only a portion of the creditors, represented by these plaintiffs, at whose instance this bill could have been originated and sustained for vacating this deed of the 22nd of July, 1817; yet on its being annulled, all the others must be allowed to come in and partake of the benefit of the decree; and the proceeds must be apportioned among them in due course of distribution, according to the provisions of the insolvent laws.

The bill also claims an account of the rents and profits of this property during the time it has been thus unlawfully withheld from these plaintiffs, under the pretext of this fraudulent conveyance. This right to rents and profits, it is evident, arises as a necessary consequence of the judgment, that this deed of the 22nd of July, 1817, is void, as against the creditors represented by these plaintiffs; from whose use, the property has been unjustly withheld from the time Alexander B. Hanna applied for the benefit of the insolvent laws; at which time all his property vested in these plaintiffs, and ought to have been surrendered and delivered up to them * accordingly, as trustees for the benefit of his creditors. I shall, therefore, direct that this property be sold for the benefit of all the creditors, represented by these plaintiffs; and further, that an account be taken of its rents and profits, to the end, that those who have received them may be ordered to pay over the amount to these plaintiffs, to be applied in like manner, for the benefit of the creditors they represent. **36**

Decreed, that the bill of complaint, as against the defendant Frederick G. L. Burhing, be, and the same is hereby taken *pro confesso*; that the said conveyance in the proceedings mentioned, bearing date on the 22nd of July, 1817, be, and the same is hereby declared and deemed to be fraudulent, and absolutely null and void against the creditors of the defendant Alexander B. Hanna, for whose use these plaintiffs sue—and that the property in the proceedings mentioned be sold; that John Scott, be, and he is hereby appointed trustee to make the sale, &c., &c.

And it is further decreed, that the plaintiffs are entitled to have and receive, for the use and benefit of the creditors represented by them, the full amount of the rents and profits of the property in the proceedings mentioned, from such of the defendants as shall be found to have held, used and occupied the same, from the 26th day of December, 1818, when the said Alexander B. Hanna applied for the benefit of the insolvent laws, up to the time when the said property shall have been delivered up to the plaintiffs, or shall be sold by the said John Scott, who has been hereby appointed trustee to make sale thereof; therefore to enable the Court correctly to ascertain and specify the whole amount of the rents and profits