

the purchaser: 1785, ch. 72, s. 7; notwithstanding the minority of the heirs or devisees. *Poweys v. Mansfield*, 9 *Cond. Cha. Rep.* 445. And consequently, the pretext, that of allowing the parol to demur, for depriving the creditors of the rents and profits of their deceased debtor's real estate in favor of his infant heirs or devisees, having been thus abrogated, an account of such rents and profits may now be called for from the infant as well as from the adult heirs and devisees of a deceased debtor; *Co. Litt.* 113, a; 236, a; *Lancaster v. Thornton*, 2 *Burr.* 1031; *Yates v. Compton*, 2 *P. Will.* 311; *Bedford v. Leigh*, 2 *Dick.* 709; *Silk v. Prime*, 1 *Bro. C. C.* 140, note; *Curtis v. Curtis*, 2 *Bro. C. C.* 633; 1798, ch. 101, sub-ch. 12, s. 9; upon the same ground, that his executor or administrator may be made to account for the increase and profits of his personal estate. *Will. Exrs.* 1012. So that in all cases, where it appears that the realty must be responsible, a receiver may be put upon it, where necessary, for the purpose of taking care of its rents and profits for the benefit of the creditors. *Sweet v. Partridge*, 2 *Dick.* 696; *Jones v. Pugh*, 8 *Ves.* 71.

To enable a creditor to sue on behalf of himself and all others who stand in the same relation with him to the subject of the suit, it must appear, that the relief sought by him is, in its nature, beneficial to all those whom he undertakes to represent; *Good v. Blewitt*, 13 *Ves.* 397; *S. C.* 19 *Ves.* 336; *Burney v. Morgan*, 1 *Cond. Cha. Rep.* 185; *Gray v. Chaplin*, 1 *Cond. Cha. Rep.* 451; *Spittal v. Smith*, 5 *Cond. Cha. Rep.* 275; and that \*the object of the bill is not merely to establish any existing priorities among them **345** as creditors. *Newton v. Egmont*, 6 *Cond. Cha. Rep.* 265; *Calvert on Parties*, 220. A mortgagee or a vendor holding an equitable lien, claiming merely as such, has no common interest with the creditors at large; and therefore, cannot be allowed to represent them by suing on their behalf, and having them called in to participate in a suit, the sole object of which is to obtain the benefit of such a lien, by which the whole subject in controversy is claimed, and may be entirely borne away. *Sumner v. Kelly*, 2 *Scho. and Lefr.* 398; *Burney v. Morgan*, 1 *Cond. Cha. Rep.* 185; *Gray v. Chaplin*, 1 *Cond. Cha. Rep.* 454; *David v. Grahame*, 2 *H. & G.* 94. As where the plaintiff alleged, that he was the vendor of a tract of land, for which a part of the purchase money was still due, which land had descended to the defendants as heirs of the vendee; and that the personal estate of the deceased purchaser was insufficient to pay his debts. The truth of all which was admitted; and the administrator by his answer prayed, that the balance of the proceeds of sale, after paying the plaintiffs, might be put into his hands to be applied to the payment of the debts of the deceased. But this prayer of the administrator was rejected; upon the ground, that no sufficient foundation had been laid to authorize the Court to treat the case as a creditor's suit and to assume