tiffs may have an account of the personal estate entire; and so obtain from the surviving partners that which properly forms a part of the assets of the deceased. *Bowsher* v. *Watkins*, 4 *Cond. Cha. Rep.* 424; *Holland* v. *Prior*, 7 *Cond. Cha. Rep.* 22. Where the bill charges, that by collusion between the executor or administrator of the deceased, and some third person the assets have been misapplied or wasted, such third person will be held liable; and, therefore, should be * made a party, in order to obtain a decree against him, *Elmslie* v. *M'Auley*, 3 *Bro. C. C.* 624; *Doran* v. *Simpson*, 4 *Ves.* 651; *Alsager* v. *Rowley*, 6 *Ves.* 749; *Benfield* v. *Solomons*, 9 *Ves.* 86; so too, where the executor is insolvent and has not the means to sue, or will not act, a creditor's suit may be brought against him and other persons accountable to the estate. *Burroughs* v. *Elton*, 11 *Ves.* 29. And where, after the death of a debtor, his personal estate had passed into the hands of his executor or administrator, who died without accounting for such assets, the executor or administrator of the deceased executor or administrator, becoming thereby, as it were, a representative of the first deceased debtor, in respect of the assets which had thus come to the hands of his testator or intestate; and being so liable to that extent, should be charged and made a party accordingly, together with the surviving executor, or the administrator *de bonis non* of the first deceased; not, however, upon the ground, that an executor of an executor is entitled here, as in England, to administration *de bonis non* of the first deceased, 1798, ch. 101, sub-ch. 5, s. 6; but because of there being, in respect of such assets, a privity and a mediate representation of and indebtedness to the first deceased. 1816, ch. 203, s. 3; *Williams* v. *Williams*, 9 *Mod.* 299; *Holland* v. *Prior*, 7 *Cond. Cha. Rep.* 22.

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In a creditor's bill against the representatives of a deceased debtor, it was formerly not unusual to describe particularly the real estate of which the deceased debtor died seized; but as it may, in most cases, be impracticable for a creditor to do so, it has been held to the unnecessary to set forth any description of the deceased's real estate. *McMechen* v. *Chase*, 19*th July*, 1815, per KILTY, Chancellor, on demurrer for that cause. But it is usual, and in most cases necessary, in such bills, to set out with a *qui tam* allegation, that "your orator, A. B., of —— county, as well on behalf of himself, as of other the creditors of C. D., late of —— county, deceased, who shall come in and contribute to the expense of this suit, that the said C. D. being, in his life, and at the time of his death, seized in fee simple of a considerable real estate," &c. 2 *Harr. Pra. Cha.* 322; *Willis Plea. Eq.* 220. Whence it would seem, that the other creditors should always be called in to participate as co-plaintiffs; but when they do come in, they are thenceforward considered as parties to the suit; *Neve* v. *Weston*, 3 *Atk.* 557; *Hardcastle* v. *Chettle*, 4 *Bro.* 163; *Good* v. *Blewitt*, 19 *Ves.* 338; and may