Hence, although it is clear that a creditor cannot be deprived of any lien he may hold upon property in a suit to which he is not a party; *Jones* v. *Jones*, 1 *Bland*, 452; yet, if he should attempt to proceed upon his lien to *enforce payment, and thus to obstruct or pervert the administration of the assets, **388** after a decree to account for that purpose, he may be enjoined, and so compelled, to come here to obtain satisfaction, *Sumner* v. *Kelly*, 2 *Scho. & Lefr.* 398; first however, deducting the costs of the suit here, which has been thus made to enure to his benefit, from the fund brought in, and which may be thus exhausted by his lien. *Kenebel* v. *Scrafton*, 13 *Ves.* 370; *Blewett* v. *Jessup*, 4 *Cond. Cha. Rep.* 112; *Winter* v. *Hicks*, 5 *Cond. Cha. Rep.* 490. But, where the claim of a creditor, who voluntarily comes in under the decree, is contested, the costs of such contest are not charged upon the estate to the prejudice of of other creditors. *Abell* v. *Screech*, 10 *Ves.* 356; *Watkins* v. *Maule*, 4 *Cond. Cha. Rep.* 45; *Young* v. *Everest*, 4 *Cond. Cha. Rep.* 499; *Rowland* v. *Tucker*, 4 *Cond. Cha. Rep.* 591. If a mortgagee, a vendor, holding an equitable lien, or a judgment creditor, having a general lien, fails or refuses to come in, the property may be sold subject to his lien, leaving it unimpaired; so that he may have the same remedy against the estate as before the decree and sale. *Barrett* v. *Blake*, 2 *Ball. & Bea.* 354. But, although such a creditor cannot be compelled, merely on the usual notice to creditors, to come in and receive satisfaction in discharge of his lien, yet, any other creditor, upon the general principles of the Court in the administration of assets, may, by an original, amended, or supplemental bill, make him a party to a creditor's suit, so as to have his incumbrance cleared away, and the surplus applied for the benefit of the general creditors. *Greenwood* v. *Taylor*, 4 *Cond. Cha. Rep.* 381; 2 *Mad. Chan.* 657; *Miller* v. *Baker*, 1 *Bland*, 147, *note*. And this may be done, not only at the instance of any one who is then an actual creditor of the deceased, but by one who, from the peril in which he stands, as executor, administrator, or surety, has a right to be substituted for, and to take the place of an actual creditor. As where certain property was charged by will with the payment of a particular debt, which the devisee, taking under the will, failed to pay, the executor of the devisor was allowed, by a bill *quia timet*, to compel the devisee to pay in order to save the personalty of the devisor; *Pue* v. *Dorsey*, 1 *Bland*,

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thirds per cent. exchange; and the surplus of the money arising from such sale, to pay and apply to the satisfaction and discharge of the debts due and owing from the said James Anderson, deceased, which there shall not be personal assets of the said James Anderson, in the hands of the said trustee, as his administrator, to discharge; a commission of four per cent. allowed to the trustee. The personal estate to be first applied before any of the said proceeds of sale, &c.—*Chancery Proceedings, lib. S. H. H. lett. B, fol.* 620.