

2 *Bland*, 362, 36, said, that though the court when asked for such an injunction, might look into the answer of the executor or administrator and see what amount he admits to be in his hands, or order him to make an affidavit of the amount, and to bring the money into court, yet that it is not an absolute rule of the court to refuse an injunction for want of such an affidavit.

It is also regarded as settled practice, that the power of this court to grant injunctions to restrain creditors from proceeding at law, after this court has passed a decree to account, and thereby assumed the administration of the assets, is not confined to cases in which the application for its interposition is made by the executor or administrator; but, it extends to applications made by the heir or by another creditor, or a common legatee, or perhaps by a residuary legatee. 3 *Daniel's Ch. Prac.*, 1835.

It is therefore supposed, that the court has the power, at the instance of the petitioners, E. H. Merrill and others, and in a proper case would exercise it, to restrain a creditor from proceeding upon judgments against the administrator of the deceased Alexander Harris.

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[Having made these preliminary remarks, the Chancellor proceeded to state the nature of the case, after which he continued:]

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It is believed that no case has been decided which would justify the court in granting the relief asked for by this petition, and that it is not warranted by any established principle of law or equity.

I am not prepared to go to the extent of saying, that this court may not, after the usual decree for an account, or *quod computet*, in a creditor's suit against the executor, or after a decree for the sale of the real estate upon such a bill—by which the court assumes to itself the general administration of the assets of the deceased debtor—compel a prior judgment creditor to come in and share the fate of the other creditors, when such prior judgment is *de bonis testatoris* simply.

In the case of *Lee vs. Park*, 15 *Eng. Cond. Ch. Rep.*, 715,