from those deeds, and compatibly with the matters decided by the decree, he can show any equitable claim to an allowance for improvements he put upon the property in question, while it remained in his possession or under his control, the court may now give directions concerning such an allowance. This is the third point left open by the decree, and upon which the Chancellor will now decide.

This is one of those cases, in which one creditor is allowed to file a bill for the purpose of subjecting the property of his debtor to the payment of his own claim; and of all others, who may obtain permission to come in and participate in the burthens and the benefits. The other creditors are allowed to come in at any time, either before or after the decree; and it is most usual and proper, that the decree itself should command the trustee to give notice, at the time of advertising the property for sale, to all creditors to bring in their claims with the vouchers. This is the fourth point which has been left open in this, as in all other decrees of the kind. The further directions as to claims which may be thus brought in, comprehends every thing concerning them. As to all matters of this nature, so far as may be deemed necessary in this case, the Chancellor will now give directions.

It is said to be an established rule of the *Roman* law, and that of almost all modern nations, that the true proprietor shall not recover from the *bona fide* possessor, any rents and profits which have been consumed by him. But whatever fruits and profits, whether natural or industrial, such as trees standing or felled; grain growing, and the like, which remain upon the land at the time the true proprietor established his right, belong to him, and may be recovered from such possessor, as well as the land itself. Yet, as it would seem, if it can be ascertained, that the *bona fide* possessor was not merely maintained by the rents and profits; but was actually enriched by them, as by applying them to the payment of his debts, he will be held accountable to that amount to the righful proprietor. But this general exemption is not granted to him, who, knowingly, keeps possession of another's estate, and therefore he is compellable to account for all the mesne profits he has derived from the land prior to its being recovered from him.(c)

According to the common law of *England*, the real owner may recover the rents and profits from the tenant, whether they remain

(c) Kames' Prin. Eq. b. 3, c. 1; Just. Inst. l. 2, tit. 1, s. 35.