

- A creditor may come in specially, by petition, or by merely filing the voucher of his claim, 365.
- The mode of allowing and adjusting interest on a distribution of the proceeds of sale, in a creditor's suit, 366, 372.—*Pattison v. Frazier*, 376.
- A creditor cannot be made to bring a payment back into hotch-pot; but can obtain nothing, until all the creditors have been satisfied in equal proportion. *Hammond v. Hammond*, 384.
- A mortgagee comes in *pari passu* for the balance, left unpaid by the mortgaged estate, 384.
- The costs and commissions are first paid, and then others, according to their priorities, or in due proportion, 385.—*Orchard v. Smith*, 319.
- The costs incurred by the contestation of a particular claim, not to be taxed to the prejudice of other creditors.—*Hammond v. Hammond*, 388.
- A mortgagee or creditor, having a lien, cannot be compelled to come in by a mere general notice, but he may be made a party, 388.
- A tobacco debt, liquidated and charged as a money claim as of the day of the sale.—*Pattison v. Frazier*, 376.
- The heir or devisee may be made to account for the rents and profits of the realty.—*Hammond v. Hammond*, 344; *Pattison v. Frazier*, 378.
- A claim, with an admission that any amount against it, on the deceased's books, should be allowed; deferred until the credit could be ascertained.—*Pattison v. Frazier*, 381.
- A decree to pay debts and legacies, and then the debts of the last deceased debtor, so far as his personal estate might be deficient.—*Anderson v. Anderson*, 387.
- A trustee appointed under the act of 1785, ch. 72, s. 4, will not be allowed to sell any but the land devised to be sold to pay debts; and may be controlled in other respects.—*Deakins' case*, 398.
- Such a proceeding may be consolidated with other cases having the same object, 403.
- On such an application, after the lapse of many years, proof will be required of the petitioning creditor's debt, 400.
- Although creditors, who come in after answer and before a decree, have not had their claims adjudicated upon by the decree, they may be heard in the selection of a trustee.—*Watkins v. Worthington*, 511.
- In the appointment of a trustee, those who shew the greatest amount of debts are allowed to have the most weight, 511.
- The rules of equity in bankruptcy as applicable in a creditor's suit, 533.
- None but those who are creditors of the deceased can be allowed to participate under a creditor's suit, 543.
- A sale of the realty to save the personality, can only be made at the instance of one who has an interest in both estates, and without prejudice to creditors; therefore, such a bill must be treated as a creditor's suit.—*Waring v. Waring*, 673.
- Although this court cannot, in a suit upon the mortgage, after a sale of the mortgaged property, pass a decree for the payment of the balance thus shewn; yet if the mortgagor be dead, the plaintiff may so amend his bill as to have it treated as a creditor's suit.—*Worthington v. Lee*, 683.

CROP.

After the sale has been confirmed, the crop allowed to be removed before the possession will be delivered.—*Tyson v. Hollingsworth*, 334.

DEBTOR AND CREDITOR.

- Where on an account the deceased debtor's personality was shewn to have been exhausted, his realty was declared to be assets for the payment of the debt.—*Cox v. Callahan*, 52.
- A devise to the prejudice of creditors is void.—*Campbell's case*, 225.
- Although creditors, as such, have no lien on the real estate of their deceased debtor, yet the heir or devisee cannot alien it to their prejudice after a creditor's suit has been brought, 240.
- The heir or devisee personally liable for the value of the lands aliened before suit brought, leaving them in the hands of a *bona fide* purchaser entirely clear. *Campbell's case*, 238; *Craig v. Baker*, 238.
- A creditor not bound to sue an adult heir by an action at common law, but may file a creditor's bill.—*Hammond v. Hammond*, 327; *Tyson v. Hollingsworth*, 324.
- A tobacco debt liquidated and charged as a money claim as of the day of the sale.—*Pattison v. Frazier*, 376.
- The property of a debtor may be detained in the country where it is found for the benefit of his creditors there residing, or of the state in opposition to a foreign administration, or to bankrupt or insolvent laws of another country.—*Corrie's case*, 489.
- Where the debt is joint and several, all the debtors should be brought before the court; the exceptions to this rule. *Watkins v. Worthington*, 522.
- It is not within the scope of judicial authority to alter or impair the obligation of a contract, 535.
- A man may make use of all his securities until he has obtained satisfaction