

part of her life, after the death of her husband, with her son Fayette, and that her wants, whatever they were, were supplied by him, and there would now, at this late period, be great difficulty, even if it were at all practicable, to adjust and settle the account in a fair and equitable manner. And in addition to this, the enforcement of this claim, at this time, and against these parties, all of whom, except the bank, purchased unquestionably in ignorance in fact of the claim now set up, would be productive as to them, of manifest injustice; and this the result of the failure or neglect of the complainant to press her claim at an earlier period. The circumstances of this case, I am persuaded, are sufficient to outweigh the equity of the complainant, strong as that equity would be under a different state of facts, to the favorable consideration of the court.

The doctrine established by the Supreme Court of the United States, in *Bowman et al. vs. Wothen et al.*, 1 *Howard*, 189, seems to me conclusive upon the subject, with reference at least to Lloyd, the Edmondsons and Hopkins. Adopting the doctrine laid down by Lord Campden, in *Smith vs. Clay*, 3 *Brown's Ch. Rep.*, that court says, "that a court of equity which never is active in relief against conscience, or public convenience, has always refused its aid to stale demands, where the party has slept upon his for a great length of time; and that nothing can call forth this court into activity, but conscience, good faith, and a reasonable diligence."

I do not think the complainant, with reference, at all events, to these defendants, has proceeded with reasonable diligence. She has suffered twenty-five years to elapse since their adverse title commenced, within which period the parties, liable over to them upon their covenants, have become insolvent; and if her claim can now be successfully asserted against them, they will be exposed to heavy and irremediable loss by her neglect.

It would seem, from a part of these proceedings, that the complainant herself had some scruple about pressing her claim against the Edmondsons and Lloyd; but, it is thought the same considerations which should induce liberality in the settlement