

report unfavourable to the claim of *Nicholas Hammond*, which claim is founded on a bond executed by one *John Mace* and *William Frazier*, the above deceased, as security. The auditor, in conformity with the usual course of the court, would not allow the claim without evidence to establish the allegation in the bill, that *Mace*, the principal debtor, was insolvent. A court of equity, when it interposes and adjusts the relative obligations of contracts and agreements, in which more than two parties are concerned, calls them all before the court; that a complete and final adjustment may take place, and each be compelled to pay his just portion; and thereby, the creditor draws from each, being solvent, what equitably ought finally to be drawn from him. It will not compel the one, both of the debtors being solvent, to pay the whole, and turn him over to his co-security to restore one-half. When, therefore, estates are sold to pay debts; and in which the interests of minors are generally deeply involved, it becomes the duty of the court to see that no claim be allowed, in which the deceased, with others, stands indebted, without satisfactory proof being produced, that the other persons joined in the obligation, were insolvent. But as that proof is now produced in support of the claim No. 4, the same is hereby allowed.' (f)

From these adjudications it appears, that the first position taken in support of these principles, in relation to the administration of the real assets of the deceased debtor, is, that this court may, in its discretion, withhold from the creditor, the relief he asks, altogether, in favour of an infant heir or devisee; and therefore, does no wrong in granting relief upon terms.

The interests of infants, *femes covert*, and persons *non compos mentis*, are always especially attended to, when brought before a court of equity; but I have never understood that the course of justice could be arrested, or in any manner turned awry for their benefit. Their disabilities always excite sympathy, and suggest caution where their interests may be affected; and so far the equitable circumspection of the court in regard to such persons, may be considered as affording to them a just ground to call for the most careful deliberation; and for its *ex officio* protection, so far as may be compatible with a duty to others, and an impartial administration of justice; but under no circumstances, have they been allowed to pervert any such claims to a special consideration