

providently rendered, the personal estate of the deceased being then wholly insufficient to satisfy the claims against it; and that the petitioner Welch believed, that they would bind only a proportion *of assets in his hands; and under that impression, **249** he had made a distribution of them accordingly: that those judgments should be revised and reformed; or, at least, that dividends of the real estate should be paid equal in amount to the personal estate paid after their rendition in discharge of other claims. And further, the petitioner Warfield alleged, that he himself was a creditor of his intestate to a large amount. Whereupon it was prayed, that the surplus might be applied in payment of all just claims against the estate of the late Nicholas Welch.

BLAND, C., 9th November, 1829.—The case on this petition having been submitted without argument, the proceedings were read and considered.

These petitioners Gaither and Warfield, presented their claim by a petition filed on the 25th of August last, which was disposed of by the order of the 26th of the same month; and feeling still satisfied with the correctness of that order, it will be only necessary now to say why I deem the new matter with which the claim is by this petition connected, must be deemed altogether unavailable.

The petitioner Warfield states, that the judgments were rendered improvidently and from ignorance, on his part, of their legal effect and operation. If ignorance of law, to this extent, were to be considered as a sufficient foundation for a Court of equity to interfere, there are few judgments of any Court of common law, which a Court of Chancery might not be called upon to revise and reform. But this Court can, in no case, revise or reform a judgment of a Court of common law in any respect whatever; and there are no such special circumstances of fraud, surprise, or mistake set forth in this petition, as can give this Court jurisdiction to grant relief against those who, as heirs, creditors or parties may have a right to avail themselves of the effect and operation of the absolute judgments obtained against the petitioner Warfield, as the administrator of the late Nicholas Welch. *Robinson v. Bell*, 2 *Vern.* 146. And, therefore, upon this ground, and for the reasons given in the order of the 26th of August last, this claim must be again rejected.

But the petitioner Warfield states, that he himself is a creditor of his intestate. If so, it is perfectly well settled, that he might have, at once, retained and applied of the assets, which came to his hands, so much as was sufficient to satisfy his own claim; 1798. ch. 101, sub-ch. 8, s. 19, and having this well known legal right, it **250** must be presumed, that * he had so retained to that amount: because, the absolute judgments against him were a tacit