

But no such new matter having been advanced and relied upon, as a cause why these claims, Nos. 1, 2 and 5, should be rejected altogether, or postponed in favor of, and to make way for the satisfaction of the claims of these excepting creditors; they must stand as having been established against the estate of the deceased. And the claim No. 1, as inclusive of No. 2, having been secured by the deed of trust, in the manner set forth by the bill, must be allowed a preference of satisfaction out of the proceeds of the trust fund; since it has not been alleged or shewn that there was any infirmity in the deed of trust as regarded other creditors, not provided for by it; or that this was not, in fact, one of the debts intended to be secured by it. The proceeds of the trust fund, must therefore be first applied in satisfaction of the claim No. 1, as including No. 2; and the surplus, if any, together with the proceeds of the other portion of the deceased's estate to \*the satisfaction of claim

**39** No. 5, and of all others which may be established in due course of administration.

It is admitted, that the plaintiff Welch's claim No. 3 is one which has not been set forth and demanded by the bill; and therefore that it cannot be deemed to have been established by the decree; even supposing that it might be introduced after the decree, as an addition to the amount so claimed by him. But a plaintiff cannot be allowed to split up, and multiply his causes of action; nor to introduce any other claim, and call the Court back to adjudicate upon it, after a decree has been passed, at his instance, by which it might have been embraced had it been set forth and demanded in his bill. *Strike's Case*, 1 *Bland*, 95. For in equity, as at law, where a plaintiff has several claims, the satisfaction of all of which might be demanded in one suit, or a satisfaction of each of which might be demanded by a separate suit, he may, at his election, seek satisfaction by one, or by several suits. *Dickenson v. Harrison*, 2 *Exch. Rep.* 105. But if, by a creditor's bill; he sets forth and asks satisfaction of only one of his claims, he must, thereby, be taken to have waived all right to demand satisfaction in that suit of any other claim which he then had and might have brought before the Court. Under such circumstances, therefore, by analogy to the rules prescribed for executors and administrators, 1785, ch. 80, s. 7; 1802, ch. 101, s. 8; 1798, ch. 101, sub-ch. 8, s. 13, 14 and 15, the Court will proceed to distribute the assets among the creditors of the deceased, to the exclusion of any such claims as the plaintiff may so introduce as additions to those specified in their bill, and which additional claims had been negligently omitted, or improperly withheld.

But in laying down this rule, intended to impose upon a plaintiff an obligation to take seasonable care of all his rights, and to prevent him from vexatiously increasing the expense, and retarding the progress of a suit, instituted for the benefit of others as