

In the majority of cases it would be impracticable or difficult to procure any other proof of insolvency than that of general reputation in that part of the country where the debtor resides and is known. (d)

The rules of equity in bankruptcy as applicable in a creditor's suit.

It is not within the scope of the judicial authority to diminish the force of a contract; and the Legislature has been restrained from passing any law impairing the obligation of contracts.

A man may make use of all the securities he has, until he has obtained satisfaction of his whole debt.

As to proof of the nature of the contract; whether the deceased was principal or surety; or the insolvency of a co-obligor.

The assignee of a *chose in action* takes it subject to all the equity to which it was liable in the hands of the original holder; the exceptions to this rule.

THIS bill was filed on the 9th of July, 1825, by Nicholas Watkins and Adam and John Miller, against Christiana M. Worthington, * Nicholas Worthington, Brice I. Worthington, Mary **510** W. Worthington and Betty Worthington. The bill sets out, that the plaintiffs sue in behalf of themselves and others, creditors of Beale M. Worthington, deceased; that the deceased died indebted to the plaintiff Watkins in the sum of \$234.04, with interest from the 9th of February, 1824, on a note under seal; and unto the plaintiffs Adam and John Miller on a similar instrument of writing in the sum of \$397.17, with interest from the 1st of April, 1824; that the just debts of the deceased were very large, and that his personal estate was totally insufficient to discharge them; that the deceased died intestate, and George Wells, Sr. had obtained letters of administration on his personal estate; and that the deceased had left a widow Elizabeth R. Worthington, and the defendants his children and heirs, all of whom were minors. Whereupon the bill prayed, that the real estate left by the deceased might be sold for the payment of his debts; and that the plaintiffs might have such other and further relief as the nature of their case might require.

On the 1st of November, 1826, the infant defendants answered by their guardian and said, that they had no knowledge of the matters stated in the bill, and submitted to such decree as the Chancellor should think proper to make.

On the 9th of March, 1827, The President, Directors and Company of the Farmers Bank of Maryland, by their petition stated, that they were creditors of the said Beale M. Worthington, deceased, to a very large amount, and could only be paid out of the proceeds of the sale of his real estate. Whereupon they prayed to be permitted to come in as parties complainants, and to substantiate their claims as might be required.

(d) Approved in *Griffith v. Parks*, 32 Md. 4.