

necessarily preclude all relief against any one of them. But where it appears, that the cause of suit against each arises out of distinct subjects; there, as each defendant is a competent witness as to the subject in which he is not interested, so there may, in respect to such different subjects, be separate decrees against each.

But here it has been shown, that the legal representatives of *John Henderson* are, all of them, liable to be charged by the contract set out in the bill, to the extent of the assets which have come to their hands respectively. And that, although each of them, to the extent of those assets, is so entirely liable to the plaintiffs as to entitle them to any relief, under the general prayer of their bill, that may be deemed most for their benefit; yet these defendants, as against each other, have an equitable claim to contribution; and therefore, as among them, the court may, if called upon, by a decree over, so adjust the burthen as to cause it to bear equally or in due proportion upon each of them. (w)

Consequently, as this cause of suit is in its nature indivisible, and the same against all of these defendants; and as no one of them has even set up, much less sustained any separate defence, which, like that of a plea of *plene administravit* by one of two or more executors, would go to show, that he could not be charged in connexion with the other defendants, the interests of all must be bound by the decree, unless it shall be found from the defence of any one, either that the whole cause of suit never existed, or that it has been barred or satisfied. It now, therefore, becomes necessary to consider the nature of the defences, which have been made to this bill of complaint.

From the general character of the answer of *English* and wife, and from the express and distinct allegations in the body of it, and also from its having been received and replied to by the plaintiffs; the court may now regard it as the separate answer of each, as much so as if the wife had obtained an order expressly allowing her to answer separately. A wife cannot, under any circumstances, be a witness for or against her husband; and for that reason, he can in no case be bound by any thing she sets forth in her answer. (x) Consequently, whether this is to be considered as altogether a joint answer; or as being in fact two regular and distinct answers of these defendants, it is clear, that nothing

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(w) *Meadbury v. Isdall*, 9 Mod. 433; 1 Mad. Chan. 233.—(x) *Le Texier v. Anspack*, 15 Ves. 165.