set it aside, that these exceptants, who are privy in blood with the infant, are competent to do so; and that, having availed themselves of that privilege, the deed is to be disregarded, and the estate then descending to the heirs on the part of the mother, the father can take no more than his courtesy interest, and that, it appears from the proceedings, he has already received. I am further of opinion, that, upon the true construction of the act of assembly, and upon the authority of the case of *Porter* vs. *Askew*, 11 *G. & J.*, 346, the residue of the proceeds of these sales, resulting from that portion of the real estate sold which belonged to Mrs. Stephenson, must be distributed among the uncles and aunts of her infant child, to the exclusion of the children of uncles and aunts, if any there be. The case will be sent to the Auditor, to state an account accordingly.

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CHARLES H. PITTS for Complainants.
JOHN H. B. LATROBE for Defendants.

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ENOCH SHECKELL
vs.
WILLIAM C. HOPKINS ET AL. } MARCH TERM, 1851.

[MORTGAGE—EQUITY OF REDEMPTION.]

Whenever the relation of mortgagor and mortgagee is once shown to exist, the court views with distrust and disfavor any arrangement between them, by which it is proposed to transfer the equity of redemption to the mortgagee.

The parties will be held to their original relation, unless the transaction shall appear to be perfectly fair, and no advantage taken by the mortgagee of the mortgagor by reason of his incumbrance.

But there may be a sale of the equity of redemption to a mortgagee where the transaction is fair, untainted by any advantage taken by the mortgagee of the necessities of the mortgagor, to influence him to part with his estate for less than its real value.