

implied contract with that company itself, must be rejected; and the auditor must be directed to restate the accounts of *Lechleitner* and *Troost* accordingly.

Whereupon it is *Ordered*, that this case be and the same is hereby referred to the auditor, with directions to state an account, in which, after deducting the costs, the trustees' commissions and expenses, as usual: and the claims heretofore ordered to be paid, he will allow the claim No. 1 of *Robert Oliver* as a judgment creditor entitled to a preference from the 26th of May, 1824; and *Charles Carroll's* claims No. 2, 3, 4 and 5, as on judgments entitled to a preference from the 4th of June, 1824; he will then restate the claim of *Gerard Troost*, No. 14; and also that of *Philip G. Lechleitner*, No. 15 and 16, rejecting therefrom every portion of them which arose prior to the 5th day of April, 1819; and which is not founded on some express or implied contract with *The Cape Sable Company*, and which as such may not then be sufficiently authenticated. And these claims, if any such should be ascertained to exist after being thus restricted, together with the claim of *Hugh Mullen*, No. 9; of *Eli Balderson*, No. 11; of *Mary Mullen*, No. 12; and of *Edme Ducatel & Sons*, No. 13, are to be allowed in due proportion of the residue of the proceeds of sale after the preferred claims of *Oliver* and *Carroll* shall have been satisfied according to their respective priorities. And he will reject the claim of *George Neilson*, administrator of *James Neilson*, deceased, No. 6; the claim of *Leonard Foreman*, No. 7; the claim of *Benjamin Welsh*, No. 8; and also the claim of *James A. Sangston*, No. 10.

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Soon after which the auditor made and reported a distribution of the proceeds as directed by this order, which was confirmed on the 21st of September, 1832; and all the exceptions of the parties at variance with it overruled. A final disposition was thus made of the case; and the corporation called *The Cape Sable Company*, having been thus totally divested of all its property was thus virtually dissolved, and finally extinguished.