

properly debts due from the firm. This report, at the instance of the receiver, was revised by the auditor to rectify some mistakes as to the amount stated to be in his hands; and to let in some allowances to him for his expenses; and another statement was reported by the auditor on the 22d February 1827.

The plaintiff by his petition alleged, that the evidence to support his exceptions to the claims of Charles Cappeau, Garrett Brown, Charles and J. Walker, and Lot Ridgely, was within the knowledge of those parties respectively. Wherefore he prayed, that they might be ordered to answer those exceptions on oath.

BLAND, C., 30th March, 1827.—Ordered, that Charles Cappeau, Garrett Brown, Charles and J. Walker, and Lot Ridgely
434 *make answer on oath or affirmation to the exceptions as prayed by this petition, on or before the sixteenth day of May next, or shew good cause to the contrary: Provided a copy of this order and the petition and the exceptions therein referred to be served on each of them on or before the tenth day of April next.

On the 21st May following they filed their answer accordingly.

Lot Ridgely and others creditors of the firm on the 6th of April 1827, filed exceptions to the allowance of several claims as stated by the auditor; and at the same time by their petition prayed to have leave to take testimony in relation to their exceptions.

BLAND, C., 7th April, 1827.—Upon this application it must be recollected, that in a creditors' suit, as this is, each creditor has a right to assume the position of a plaintiff, as against his debtor, wherever may be the nominal station of such debtor in the suit then depending before the Court; that each creditor, having an interest in excluding the claims of all other creditors, so far as the admission of their claims to a participation of the funds would lessen the amount of satisfaction he would otherwise obtain has a right to plead the Statute of Limitations, or make any objection to the allowance of any claims which the debtor himself could make under similar circumstances, and that each one of the debtors, or their representatives, may make any defence against a claim which he would be permitted to make if he alone were charged as the only debtor. Hence it follows, that in taking testimony in relation to such a contested claim, in order that it may be impartially taken; the party requiring it must give notice to the party directly to be affected by it, or to some one who has an interest in cross-examining the witnesses, and having their testimony fully and correctly reported to the Court. To give notice to all the creditors would be impracticable; and to indulge