

to stand over as of course some short time, after it has been returned and filed; during which time, or before it was made, a plaintiff, or a defendant or a co-creditor, who has not by any previous act lost his opportunity or waived his right to do so, may plead the Statute of Limitations or put in any exception to the claim of any creditor, upon which he may ask the judgment of the Court. If such exception presents a question of fact, an answer on oath may be called for, and proofs taken in relation to it, but if it presents only a question of law, then, or after the answers and proofs have been returned and filed, a day may be appointed for the hearing of the matter. But if after the lapse of a reasonable time no exceptions are taken to the auditor's first general report, it may be confirmed as to all claims, not objected to, and the payment of them be ordered accordingly. If a creditor finds it necessary to have time to obtain testimony to sustain his claim and remove the objections made against it, he may have time allowed him to collect his proofs for that purpose within or beyond the jurisdiction *of the Court; and the decision may be postponed and the amount set apart to meet it reserved accordingly. **442**

But after a reasonable time has elapsed; and where it does not appear, that any of the creditors whose claims have been objected to have been allowed time for further proof which had not then expired, and there are still some claims, the objections to which have not been removed, the case may be referred to the auditor with directions to state a final account excluding all claims not then sufficiently authenticated so as to bring the whole controversy to a final conclusion. This case now stands in that situation.

Whereupon it is ordered, that this case be and the same is hereby referred to the auditor with directions to state a final account, from which he will exclude all claims not now sufficiently authenticated; and also those from which the auditor's objections, as stated in his former reports, have not been removed. All objections heretofore filed by any party against the allowance of any claims, which have not been determined by the Court to be valid, are hereby overruled.

Notwithstanding this order, the parties appear to have acquiesced in leaving the case open, or to have waived the right to call for a final account as ordered; for, on the 26th May, 1830, a special confirmation of the auditor's report of the 22d of May, 1828, was called for and ordered accordingly, by which it would seem that the case had been brought to a final termination; but the objections to claim No. 21, 27, and 28, having been withdrawn, the case was again submitted, upon which on the 3d of May, 1831, it was