

misapprehension in the judgment pronounced; therefore there is no ground for a re-hearing.

But these claimants, after having had a formal hearing of their case, upon all such facts and circumstances as they then deemed pertinent or necessary; and, after having submitted it for a decision; and, after their claims had been rejected, upon the ground of that very objection of which they had full and timely notice, now ask to have the order so passed, rescinded for the purpose of allowing them to introduce other proofs, not now in the proceedings, to remove those objections, and in fact to give to their case an entirely different complexion.

If such a course could be tolerated, under any circumstances, there would be no stability in any decision whatever; for, there is no case in which the parties might not have some pretext for introducing additional proof, of some kind or other, to vary the case in * some way, after the reasons and grounds of the judgment of the Court had been fully explained and made known. **474** Instead of the parties being obliged to bring all the facts and circumstances of their case at once before the Court, they would be continually tempted to withhold some particulars, expressly with a view to have it reconsidered and amended in those points where they saw, from the opinion of the Court, that the law pressed most against them. Such a course of proceeding would open a door to the greatest frauds, and could not but be attended with the most grievous expense and delay. Therefore as these claims have been adjudicated upon, in the manner and upon the grounds on which they had been advisedly and deliberately presented for decision, I deem it improper now to suffer them to be again brought before the Court in a new shape, on different principles, and other proofs.

Whereupon it is ordered, that these petitions be and the same are hereby dismissed with costs.

From this order as well as that of the 22nd of March there was an appeal, and on the 6th December, 1831, the appeals were dismissed with costs.

FENWICK v. LAUGHLIN.

SALE OF DECEASED MORTGAGOR'S ESTATE.—DISTRIBUTION OF SURPLUS AMONG GENERAL CREDITORS.

Where, on a bill by a mortgagee against the heirs of a deceased mortgagor, the mortgaged estate had been sold to pay the mortgage debt, leaving a surplus; other creditors of the deceased were allowed to come in, on the ground of the insufficiency of the deceased's personal estate; con-