relied upon by any of the creditors; and the validity of such objections will sometimes be directed to be tried on an issue at law. *Ex parte Dewdney*, 15 *Ves.* 497; *Jolliffe* v. *Pitt & Whistler*, 2 *Vern.* 694 *Gifford* v. *Hart.* 1 *Scho. & Lefr.* 409; *Civil Code Napol. Art.* 2225.

In this State, similar principles have been held, and sanctioned in the *Case of William Sluby's Estate:*—In that case, Chancellor HANSON observes, in speaking of the liability of the real estates of deceased persons to be sold for the payment of their debts, under the Act of 1785, ch. 72, that "no mode is prescribed by the Act for establishing the debts. It is left entirely to the Chancellor's discretion. But, (he observes,) it is a rule to admit claims on such proof as is prescribed for, and is satisfactory to an Orphans' Court; and even to admit claims passed against an executor or administrator by an Orphans' Court, unless objected to by some person interested, viz: by a creditor of the deceased, or his executor or administrator; or by the guardian of the infant." The Chancellor then goes on to speak of the manner in which such objections should be tried; and in substance declares, that he would not direct an issue at law for that purpose, but in extraordinary cases. *Ringgold* v. *Jones*, *ante*, 88, *note; Edmondson* v. *Frazier*, *ante*, 92, *note; Seewen* v. *Vanderhorst*, 1 *Russ. & Myl.* 347; *S. C.* 2 *Russ. & Myl.* 75.

There can be no difference, in point of equity, between the case of a creditor's bill against a deceased person's estate, and a creditor's bill, as in this instance, against an insolvent's estate. Therefore, upon principle and authority, it is competent for these originally suing creditors to make these objections, and to rely upon the Statute of Limitations, in opposition to these claims of the other creditors who have come in since the institution of this suit. But in applying the Statute of Limitations in such cases, it must be with all its saving provisoes; and also subject to the resuscitating qualifications of such acknowledgments as are deemed sufficient to take a case *out of* the statute; of which a statement in an insolvent's schedule may be considered as one, where the claim and schedule agree. And the statute, as in other cases, must be allowed to commence its operation from the time the debt accrued; and to run on until the creditor came in, by filing his petition, or the voucher of his claim.

The plaintiffs, by their bill, found their claim against the defendants, upon contracts made with Henderson and Rogers; and the * decree of May, 1822, recognizes and affirms their claims of that description; and the proofs derived from competent witnesses, will enable the auditor, in fulfilment of that decree, to refer to the notes and vouchers, to ascertain the amount, and to compute the interest thereon. **95**