

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.

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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.

*7th April, 1827.*—BLAND, *Chancellor.*—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, whatever 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 the parties in such cases in taking testimony without limit as to time would be contrary to reason and the usual course of the court in similar cases.

Whereupon it is ordered, that any creditor of the firm of *Wilson, Williamson & Co.*, whose claim is stated or noticed by the auditor in his report, and also the said copartners, be and they are hereby severally authorized to take the deposition of any witnesses in relation to such claims, before the commissioners appointed to take testimony in Baltimore; provided, that three days' notice be given as usual, by the creditor, in whose behalf the testimony is