

claims. But the filing of the schedule of an insolvent debtor, certainly cannot, by any strained or liberal construction of this practice, be considered as the filing of the vouchers of the claims of all, or any of those creditors, whose names and claims are stated thereon; and, laying aside the insolvent's schedule in this case, as furnishing no evidence of the intention of any creditor therein named, to come in and make a claim for any debt, which he alleged, and was ready to prove was due him, when such schedule was filed, there are but two other creditors, who have made any show of coming in as other creditors of *Rogers*; and they are, *Robert Taylor*, and the firm of *Hollingsworth & Worthington*. *Taylor* has filed a mere short copy of a judgment, which he obtained in *Baltimore County Court* against *Henderson*, the partner of *Rogers*; and *Hollingsworth & Worthington* merely say, that the only demand they now have against *Rogers*, is for twenty dollars, lent him several years ago:—but these claims are so utterly destitute of any support, by proof of any sort, that they must be rejected. There are then, in fact, no claims of any other creditors of the defendant *Rogers*, which the auditor can be allowed to state and report for confirmation.

Upon the principles before explained, *Strike* must be charged with the rents and profits, or full value of the property in question, from the date of the deeds from *Rogers* to him, to the day of the sale by the trustee. The amount, or what has been the full value during that time, must be collected and ascertained by the auditor from the proofs in the cause; and, for the reasons already given, *Strike's* claim for repairs, improvements, and advances, must be totally rejected.

The practice in the Chancery Court of this State, is wholly unlike that in the Chancery Court of England, in relation to exceptions to the depositions of witnesses. Here, the testimony having been taken publicly before the commissioners,<sup>(n)</sup> there is no formal order or rule for the publication of it, as in England; but when the commission is returned, it is opened by the chancellor or the register, and objections of every kind to the testimony, are taken and considered at the hearing of the cause. In this case objections have been made to the reading of the depositions of two of the witnesses, on the ground of their being interested. The proofs are all now to be sent to the auditor, upon which he is to found some of the particulars of the account he is directed to state. But

(n) 1785, ch. 72, s. 14.