

tor's claim having been determined to be valid, as between the then parties, can never be again questioned by any creditor who may thereafter come in; nor is there any instance in which a claim once established as between proper parties, can be again questioned by any one who may be thereafter allowed to come in and participate with either of the original litigants; unless upon some ground of alleged fraud and collusion. (*d*)

Whereupon it is *Ordered*, that the foregoing petition of *George Neilson* and others, be and the same is hereby dismissed with costs.

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After which the auditor made and filed a report, dated on the 18th of February, 1830, in which he says, that he had examined the proceedings of these cases, and stated all the claims exhibited against the estate of *The Cape Sable Company*. Claim No. 1, is for a judgment recovered by *Robert Oliver* against the said company, on which a *fiery facias* was issued and laid on all the real and personal estate of the company. The complainants by their bill of complaint impeached said judgment for fraud and irregularity. And by their exceptions, filed on the 20th of April, 1829, they object to the auditor's report of the 29th of February, 1828, so far as relates to the said claim, because there is no sufficient evidence to sustain the said claim, and because said *Robert Oliver* has no legal or equitable claim against the said company, or its funds or property; and because said *Robert Oliver*, if a creditor at all, is to be deemed a general creditor, and not a judgment creditor, nor entitled to any preference, as a creditor, whatsoever. And by other exceptions, filed on the same day, they deny, that said claim has any foundation in law or equity; and also deny, that, if deemed a creditor at all, the said *Robert Oliver* is to be considered a judgment creditor, or entitled to any preference whatsoever as a creditor; and also object, and plead the act of limitations against said claim. Similar exceptions have been filed by *P. G. Lechleitner*, who has exhibited a claim against the said estate. The auditor thinks he is bound to consider *Robert Oliver* as a *bona fide* judgment creditor, and allows the claim accordingly.

Claims No. 2, 3, 4 and 5, are on judgments rendered against the company, and now entered for the use of *Charles Carroll of Carrollton*. The complainants and *P. G. Lechleitner* have filed objections to the said claims, similar to those before stated against