

Busti all his share, right, interest, claim and demand in and to the aforesaid works, and also all claim and demand, that he might have against the said works, for advances of money made for the said establishment. This last deed notices the assignment of the 26th of September, 1816; and professes to be made to secure the payment of the sum of \$10,296 48, as of the first of January, 1822. The auditor thinks the claims of said *Lechleitner* and *Troost*, if established, will be liable for payment of said claim No. 6, in the first instance; and that the residue of the said claim of said *Lechleitner*, to the extent of the sum of \$10,296 48, with interest from the first of January, 1822, will be payable to the said *Paul Busti's* representatives.

The auditor further reports, that the trustees have not yet obtained an allowance for their expenses; and that the claim of said *P. G. Lechleitner* which was, by an order of the 24th of September, 1829, referred to *Samuel Moale*, *William Gwynn*, and *Charles F. Mayer*, has not yet been adjusted. He is therefore unable to state an account with the trustees.

After this report of the auditor was filed the plaintiffs excepted to it; because it allowed the claims of *Robert Oliver*, *Charles Carroll*, *Eli Balderson*, and *James Neilson*, who have in truth no claim whatever, legal or equitable, against the estate of *The Cape Sable Company*; because their claims, if any they have, are not sustained by any proof; and because each and all of them is and are barred by the statute of limitations. And the defendants excepted to it, because it did not charge to *P. G. Lechleitner* the sum of \$17,000, borrowed by the *Cape Sable Company* for him by the resolve of the 4th of February, 1822, and to him advanced.

The defendant *Robert Oliver* excepted to this report. *First*. Because it did not award to him, as a judgment creditor, a satisfaction in preference to all others. *Second*. Because the claims of *James Neilson*, No. 6; of *Leonard Foreman*, No. 7; of *Benjamin Welsh*, No. 8; of *Hugh Miller*, No. 9; of *James A. Sangston*, No. 10; of *Eli Balderson*, No. 11; of *Mary Mullen*, No. 12; of *Edme Ducatel & Sons*, No. 13; of *Gerard Troost*, No. 14; and of *Philip G. Lechleitner*, No. 15 and 16, are not sufficiently proved; and are barred by the act of limitations. *Thirdly*. Because the claims of *Troost* and *Lechleitner* are without any foundation in law or equity. *Fourthly*. Because the claimants of *Troost* and *Lechleitner* were partners with *The Cape Sable Company*; and, as such, not only not entitled to be allowed any thing, but are personally