

ground, than that the debtor then before court had been admitted or shewn to be in such a condition of insolvency as rendered an equal and equitable distribution of its estate among its creditors proper and necessary. Hence it is clear, in this as in every other similar case of a creditor's suit, that neither the plaintiff, nor those who come in under the decree, can now be allowed to draw in question and again put in issue any claim of any creditor whose claim has been thus established; except upon the ground of fraud and collusion of the then parties.

Here, however, these plaintiffs now again, and *Lechleitner* and others, who have come in under this decree, as creditors of *The Cape Sable Company*, have, by their exceptions to the auditor's report, not only denied the validity of these claims of *Oliver* and *Carroll* as judgment creditors, but have also denied that they can be considered as creditors of that company at all, or to any amount. But these matters have been heretofore put in issue; and, after a full investigation have been finally and by consent adjudicated upon; and therefore, must now be considered as entirely at rest; since, if it were otherwise, there would be no end to litigation.

But although it has been finally established, that *Oliver* and *Carroll* are to be considered as judgment creditors; yet as it has not been distinctly declared on which of their judgments they shall be compelled to rest their claim, it will be necessary now to ascertain that, in order to determine how they are to take rank in relation to each other.

It appears, that *Oliver's* first judgment was obtained on the 9th of December, 1822, in Anne Arundel County Court; and that its execution was stayed by an injunction from this court; for causes explained in the orders of the 21st of April, 1823, and the 7th of May, 1824; and because of its having been obtained in the court of a county not the proper residence of *The Cape Sable Company*.

As to what may be deemed the residence of a corporation, it may be well to recollect, that, as no government can give to its laws any extra-territorial operation, all bodies politic must necessarily be considered as artificial beings of that country by whose government they were incorporated; and alien entities in all other countries; that a corporation may, in the country of its origin, have a fixed locality and residence, from its nature and the terms of its creation; as a city, town, &c. And that all corporations; such as banks, &c. which are transitory in their nature; and which