

among those only whose claims have been so avouched as to authorize the Orphans' Court to allow of their payment. (b)

A claim may be contested so as to put the claimant to full proof; in which case if it be not legally established it must be rejected.

A judgment against an executor or administrator is no evidence against the heirs; against whom the claim must be authenticated as if no such judgment existed.

An absolute judgment against an executor or administrator is conclusive evidence against him of a sufficiency of personal assets in his hands.

After a claim has been decided upon, it cannot be brought again before the Court in a different shape; except under such circumstances as would form a sufficient foundation for a bill of review, or a re-hearing.

This was a creditors' bill filed on the 13th of December, 1826, by John W. Dorsey against Rezin Hammond, the executor, and Denton Hammond, Matthias Hammond, and Caroline B. Hammond, infants and devisees of the late Matthias Hammond.

The bill states, that the deceased being indebted to the plaintiff; he had brought suit and recovered judgment against his executor the defendant Rezin Hammond, from whom he, the plaintiff, had received payments, leaving a balance due him of \$3,182.49, that the testator had died seized of a large real estate which he had devised to the infant defendants; and, that the whole of his personal estate had been exhausted and disposed of in payment of his debts. Whereupon the plaintiff prayed, that the real estate might be sold to satisfy the balance due him, and such other of the creditors of the deceased as should come in under this suit. The defendants by their answers admitted the facts set forth in the bill; and on the 19th of March, 1827, it was decreed, that the real estate be sold, and that notice be given to the creditors of the deceased to file their claims in the Chancery office within four months after the day of sale.

After which, on the representation of the trustee, that there was a large body of land, embraced by the decree, which it was thought most advisable to have laid off into lots and offered for sale in parcels, it was, on the 9th of May, 1827, ordered that the surveyor \*lay out the lands accordingly and make return of a plot 464 thereof. And the trustee having reported, that he had made sale of the estate, as thus laid off into lots, and had given notice to the creditors of the deceased to file their claims as required by the decree, the sales were finally ratified, no cause having been shewn to the contrary after the usual order of publication.

On the 29th of February, 1828, the auditor reported, that he had examined the proceedings and stated all the claims exhibited against the estate of the deceased, and an account between the

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(b) As to creditors' suits generally, see *Hammond v. Hammond*, 2 Bland, 306.