

the crew were to be paid, and substituted the clerk in the place of the crew and entitled him to their rights as their assignee.

Where a creditor omitted to furnish proof of his claim in due time, having acted upon information derived from the receiver that his claim would be allowed, and the fund was still under the control of the court, it was **HELD**—That he should be allowed to prove his claim and receive his proportion of the dividends.

It is the duty of this court if suitors are misled by its agents, however innocently, to repair the injury if it can be done without prejudice to the ascertained rights of others.

[The facts of this case are sufficiently stated in the Chancellor's opinion.]

THE CHANCELLOR :

In this case a bill was filed by the complainants on the 13th of October last, alleging and showing themselves to be creditors of the Baltimore and Rappahannock Steam Packet Company, charging the said company to be insolvent, and upon that and other grounds praying for an injunction against them, and other parties associated with them, prohibiting certain acts complained of, and for the appointment of a receiver to take possession of the property and effects of the corporation, and to dispose thereof subject to the orders of the court.

The injunction was ordered on the filing of the bill, and the same order directed that a receiver would be appointed, with or without answer, unless good cause to the contrary should be shown by a day limited for that purpose upon service of a copy of the order and bill on the adverse parties.

On the 1st of January, 1847, the answers of some of the defendants having been filed, an order was passed appointing a receiver, with power to take possession of and hold the property subject to the order of the court, and subsequently on the 4th of January, 1847, with the written consent of the parties filed in the cause, the receiver was authorized to make sale of the property upon certain specified terms at public sale, and by the same order was directed to notify the creditors of the corporation to file their claims in the Court of Chancery within two weeks from the day of sale.

Under this order the receiver made sale of the property in