

The plaintiff excepted to this report, and account B of the auditor's, 1st, Because an allowance was made to the defendant for the maintenance of the negroes Alfred, Cuffee and Eliza; and he is charged with the value of their services. 2d. Because it refers to and is predicated upon an account reported 17th of June, 1820, wherein are included sundry charges and discharges not warranted by the decree of the Court of Appeals; and 3d. Because, by that decree the only matter of account between the parties is the value of certain negroes' services mentioned in account A.

The defendant excepted to the report of the auditor, 1st. Because too much was allowed for the services of the negroes. 2d. Because too little is allowed for the maintenance of the infant negroes. 3d. Because the complainant is not charged with the moneys omitted in the former account, and which he had admitted, as would appear by the testimony. 4th. Because interest is charged, which, under any circumstances, ought not to be allowed, and more especially when the complainant has not executed the decree requiring him to reconvey the land; and 5th. Because, until a division is made of the negroes born after the return of the commission, and before the final decree, the defendant is not chargeable with the services of any of them.

BLAND, C., 30th January, 1829.—The exceptions to the auditor's report standing ready for hearing, the solicitors of the parties were fully heard, and the proceedings read and considered.

*The decree of the Chancellor having been reversed, and the case remanded to this Court, with orders to execute the decree of the Court of Appeals; the auditor was directed to state an account accordingly, with a view to enable this Court to perform the duty prescribed to it; which accounts the auditor finally stated and reported on the 20th of September, 1826. The substance of the exceptions taken to the accounts thus reported is, that neither the one nor the other of them conforms to the directions of the Court of Appeals. **23**

The solicitors have allowed themselves to take a retrospective and large view of this case; and have thence argued, that the decree of the Court of Appeals cannot be taken in its literal sense; because it would, if so taken, produce the grossest injury to one; do complete justice to neither of the parties; and in no way cover the whole case upon which the Court was called upon to adjudicate. For, by giving to the plaintiff nothing more than a bare moiety of the three negroes born of Lucy and Milly, he would lose his share of their hires and profits until they are divided, or sold, and delivered up. And by giving to the plaintiff the entire value of the labor of the other negroes, as specified, the defendant would be excluded from credits and deductions to which, from the nature of the whole case, he is most manifestly entitled. But this Court