

1810.

Gover
vs
Hall

port of the respectable auditors in this cause, appointed by the agreement of the parties, be attended to. *Decreed*, that the injunction, heretofore issued in this cause, be revived, and that the defendants, and each of them, be and they are hereby perpetually enjoined not to proceed to law on the bond passed by *Amos Garrett* in the year 1756, against which the said *Amos*, by the original bill in this cause, prayed relief. Also that each party bear his own costs, &c.

From this decree the complainant appealed to the court of appeals.

THE COURT OF APPEALS, [*Rumsey*, Ch. J. *Mackall* and *Jones*, J.] at June term 1800, after hearing counsel upon the appeal—"Decreed, that the decree of the chancellor be reversed, and that the complainant be allowed the costs of his appeal. That the defendants account with the complainant, as executor of *Garrett*, for five twelfth parts, and with the complainant, as administrator *de bonis non* with the will annexed of *Dicks*, for two twelfth parts of the stock and profits of *Cornwall* furnace and *Hopewell* forge in *Pennsylvania*, from the 31st of December 1753, to the expiration of the lease on the 18th of June 1765, if stock shall have been taken at that time, if not, at such time thereafter as stock shall appear to have been first taken; and that the account of said stock and profits be stated by the auditor of the court of chancery. That the chancellor pass such decree and order as shall be necessary to have the account stated in manner aforesaid, and on return thereof to take such order, and pass such decree, as may be necessary to compel the defendants to pay to the complainant the amount of stock and profits found due to him in each of his capacities as aforesaid, with interest thereon from the 18th of June 1765, if stock shall have been taken at that time; if not, at such time thereafter as stock shall appear to have been first taken, till paid, and costs." In consequence of this decree the chancellor did, on the 23d of October 1800, by his order direct, that the defendant account with the complainant as by the decree of reversal is directed, and that the auditor state an account or accounts between the parties accordingly. The auditor made his report and statement of accounts to October term 1801. The defendant excepted to the auditor's