

demurrer to the same, on or before the 4th day of July Term next of this Court, or otherwise the Chancellor, upon application of the complainants, and at discretion, will either take the bill *pro confesso*, or direct a commission to issue for taking depositions, and will finally decree as to him shall seem meet and consistent with the established principles of equity, in the same manner as if the said defendant had appeared and depositions had been taken in the usual way. Provided a copy of this order be served on the said defendant, or left at his usual place of abode, before the 20th day of June next.

After which, this order having been returned served, the case was brought before the Court for further proceeding.

BLAND, C., 8th July, 1825.—The bill having been taken *pro confesso*, on motion of the complainants' counsel, it is ordered, that a commission issue to Zadock Magruder of Montgomery County in this State, and also to John A. Smith, of the City of Washington, to take testimony in the cause.

The commission to Smith was returned with testimony, and filed on the 3d of August, 1825, and that to Magruder was returned with proofs and filed on the next day.

**115** \* BLAND, C., 4th August, 1825.—Ordered, that this case be, and the same is hereby referred to the auditor, with directions to state an account from the proceedings, shewing the hires of the said negroes, with which the said late Kinsey Gittings was chargeable, from the time they came into his possession and were demanded of him, until they were sold by his administrator, and the amount of sales of said negroes, and the interest thereon from that time.

The auditor on the same day made a report, in which he says, that he had stated an "account shewing the amount of sales of the negroes, and the interest thereon from the time they were sold; but that he finds nothing in the proceedings from which he can state an account shewing the hire of the said negroes, with which Kinsey Gittings was chargeable from the time they came into his possession and were demanded of him, until they were sold by the defendant as his administrator." Upon which the case was immediately submitted without argument.

BLAND, C., 4th August, 1825.—Decreed, that the report of the auditor be confirmed, and that the defendant, William Scott, forthwith pay to the complainants, or bring into this Court to be paid to them, the sum of \$4,006.15, with interest on \$2,850, part