

in Baltimore County Court against Henderson, the partner of Rogers; and Hollingsworth & Worthington merely say, that the only demand they now have against Rogers, is for twenty dollars, lent him several years ago:—but these claims are so utterly destitute of any support, by proof of any sort, that they must be rejected. There are then, in fact, no claims of any other creditors of the defendant Rogers, which the auditor can be allowed to state and report for confirmation.

Upon the principles before explained, Strike must be charged with the rents and profits, or full value of the property in question, from the date of the deeds from Rogers to him, to the day of the sale by the trustee. The amount, or what has been the full value during that time, must be collected and ascertained by the auditor from the proofs in the cause; and, for the reasons already given, Strike's claims for repairs, improvements, and advances, must be totally rejected.

— The practice in the Chancery Court of this State, is wholly unlike that in the Chancery Court of England, in relation to exceptions to the depositions of witnesses. Here, the testimony having been taken publicly before the commissioners; 1785, ch. 72; there is no formal order or rule for the publication of it, as in England; but when the commission is returned, it is opened by the Chancellor or the register, and objections of every kind to the testimony, are taken and considered at the hearing of the cause. In this case objections have been made to the reading of the depositions of two of the witnesses, on the ground of their being interested. The proofs are all now to be sent to the auditor, upon which he is to found some of the particulars of the account he is directed to state. But * he should not be suffered to make any statements derived from the testimony of incompetent witnesses or illegal evidence. Therefore these objections do not come now too late, and must be decided on for the government of the auditor. 97

The Chancellor considers it as sufficiently apparent, upon the proceedings, without going into a statement of the case, and his reasons, that John Rogers, the defendant, is an interested witness; and therefore, the whole of his testimony must be rejected. *Murray v. Shadwell*, 2 Ves. & Bea. 401. The reading of the deposition of Alexander Irvine, has also been objected to, on the ground of his interest. It does not, however, sufficiently appear, that he was a creditor of Rogers, and interested at the time; and therefore the objection to his testimony must be overruled. A paper purporting to be the answer of Strike to a petition of the complainants filed in Baltimore County Court against him; has been insisted on as applicable and furnishing evidence pertinent to this case. But from its phraseology and general tenor, it is evident, that it cannot be a part of the pleadings in this suit; and without