

him by Rogers, rejecting entirely Strike's claim; and because the said rents are charged higher than is warranted in the proof of the cause.

4th. Because the auditor should have allowed the defendant, Strike, his advances in payment of taxes, ground-rent, and the sum assessed for the extension of Pratt street; which he has not done.

5th. Because the auditor should have allowed the defendant, Strike, for all permanent and necessary improvements, laid out and expended, and created on said lots; which he has not done.

6th. Because the auditor has charged the defendant, Strike, with interest on the rents and profits of said property to the day of the *trustees' sale, which makes Strike indebted in the **100** sum of \$6,559.33, with further interest on \$4,967.63, from the day of sale; which he ought not to have done.

7th. Because Strike is charged with the ground rent upon the lot on Pratt street, running to Whiskey alley; which he ought not to have been.

8th. Because, in the said account and report, an allowance is made to H. W. Rogers and Henry M. Murray, Esqr's, for fees; and also an allowance for expenses incurred by creditors at the private meetings, to consult about their private affairs.

9th. Because the said statement of account and report is erroneous in point of law and fact, and contrary to equity and right.

BLAND, C., 15th May, 1826.—This case having been submitted upon the auditor's report, and the exceptions of Nicholas Strike thereto, without argument, the proceedings were read and considered.

Whereupon, it is ordered, that the said exceptions to the said report, made and filed by the auditor on the 4th instant, are hereby overruled; that the said report and statements of the auditor be, and they are hereby ratified and confirmed, and that the trustees apply the proceeds accordingly, with the interest that has been or may be received. And it is further ordered, that Strike, one of the said defendants, forthwith pay unto the complainants the sum of \$5,907.01, together with interest thereon from the fourteenth day of September, in the year 1822, until paid. And it is further ordered, that the defendant, Strike, pay unto the complainants, all costs which have not been stated and included in the said report of the auditor, to be taxed by the register.

The defendant, Strike, appealed from the decree of the 28th of May, 1822; from the order of the 10th of April, 1826; and from the order of the 15th of May, 1826; and the Court of Appeals at June Term, 1828, affirmed them all. *Strike v. McDonald & Son*, 2 H. & G. 258.