

administrator or guardian. But he cannot confirm the account No. 4, reported by the auditor, in which he makes the allotment to the parties of different negroes by name. There are two modes by which this may be done in the Orphans' Court. One under the Act of 1798, ch. 101, sub-ch. 11, sec. 16, by making the distribution on a day appointed: and the other under the Act of 1810, ch. 34, sec. 5, by the appraisement of commissioners, on which, if necessary, a sale may be ordered. The last Act is not obligatory on the Orphans' Court; but they may resort to the former, which in this case is considered preferable. And if this Court has any jurisdiction or power in the case, it may adopt the modes prescribed for the Orphans' Court, or a course analogous to them.

It is therefore ordered, that this Court will on Thursday, the 3d day of February next, make a distribution of the negroes mentioned in the proceedings, and in the auditor's account No. 4; provided a copy of this order be served on the defendant Lyde Griffith, before the 26th day of the present month. The Chancellor will also, on that day, determine as to the other parts of the report, and decree accordingly. It is however to be observed, that the counsel for the defendant, relying possibly on the defence set up, has not given to the auditor instructions to state an account in any other manner, or shewn how the balance would stand, after excepting the negroes as specific articles, if his exceptions should prevail.

After which, the parties having had time to consider and prepare for the further argument of the case, on the suggestions of the Chancellor, they put in some further notes in writing of the arguments on which they respectively relied, and the case was again brought before the Court.

KILTY, C., 12th February, 1814.—The Chancellor has again examined the proceedings in this case, and considered the additional notes put in for the defendant and since for the complainant.

13 * The most material point in controversy is, that respecting the settlement in money, or in specific articles, as to which the Chancellor has already expressed his opinion, which is not altered. The objection to the credit of \$150, on account of the negro girl, appears to be reasonable, inasmuch as the complainants, on setting aside the settlement or receipt No. 6, ought not to retain any benefit arising from it. The negro girl ought, therefore, to be returned, as also the land, which, not being conveyed, the auditor did not bring into the account. This will render necessary an alteration in the account No. 3, which is made in an account stated by the Chancellor marked No. 5, leaving the balance in money \$235.83, instead of \$41.88. The Chancellor does not perceive anything in the evidence from which a greater allow-