

plaintiff to have the former decree opened, and the case reheard, he prayed to be permitted to introduce and substantiate sundry claims and allowances, as then specified, which he had not obtained the benefit of under the former decree.

The plaintiff put in a general replication to this answer; upon which a commission was issued, and the depositions of several witnesses taken and returned on the 18th of January, 1819. After which the case was brought before the Court.

17 * KILTY, C., 10th October, 1819.—Decreed, with the assent of the parties, that the auditor state an account between the parties, upon the evidence in the cause, or such other evidence as shall be produced by either party; reserving, nevertheless, all equity, as to the right of the party to claim an account, until the final hearing.

On the 17th of June, 1820, the auditor reported, that on the application of the plaintiff, he had given notice as usual, that he would attend, on a certain day, to take any further testimony; but none having been offered, he had since carefully read and considered the proceedings and the testimony already had; and having first prepared from them the estimates accompanying this report, he had stated an account between the parties, wherein the defendant is charged with the value yearly, according to the estimates of the services of the negroes heretofore allotted to the complainant; that is to say: from the 19th of December, 1813, to which time the first account was carried, until the 30th of November, 1816, when they were delivered; and with interest as usual. And he is credited for the board, &c. of the complainant's wife from the 9th of January, 1809, when the allowance therefor, in the first account, was discontinued until April following, when, it is now proved, she left the defendant's house—for the services of negro Maria, according to the estimate from that time until she was returned to him—for the expense, according to an estimate, of raising the negro child Hanson, until the 30th of November, 1816—for one-half the expense, also, of raising the negro children Alfred, Cuffee, and Eliza, from the 19th of December, 1813, until they respectively attained the age of seven years—for a sum paid the commissioners for dividing certain lands of Capt. Philemon Dorsey, and for interest; leaving due to the complainant a balance of \$291.77, with interest thereon from the 19th of December, 1819, until paid.

The auditor further states, that he could not make any allowance for the nine and three-quarters acres of land; because of the absence of testimony, from which its annual value might be estimated. For expenses of raising the young negroes heretofore, as aforesaid allotted to the complainant, he makes no allowance;