

The plaintiff by his petition, shewing this decree of the Court of Appeals, prayed that the case might be referred to the auditor, with directions to state an account accordingly, from the proceedings in the case, and on such testimony as he might be authorized to take, &c.

JOHNSON, C., 4th May, 1824.—On the present application, and in pursuance of the decree of the Court of Appeals of the 12th of July last, it is ordered, that the auditor, from the evidence in the cause, or from such as may be taken before him, the usual notice being first given, report to this Court the names and ages of the negroes born of Lucy and Milly after the execution of the commission, and before the passing of the decree in the suit brought by the appellant and his wife against the defendant in this Court; as well as the value of each; in order that the complainant may obtain one moiety thereof. And it is further ordered, in pursuance of the said decree of the Court of Appeals, that the auditor also state and return an account from the same evidence, the value of the balance of the negroes assigned to him from the date of the auditor's statements, to wit: the 19th of December, 1813, to the period when the said last mentioned negroes were delivered to the appellant.

On the 21st of September, 1825, the auditor reported, that on the application of the plaintiff and in execution of this order, he had given notice to the parties; and had, at the instance of the plaintiff, issued summons for his witnesses, which having been served, the parties and witnesses attended, and some additional testimony having been taken by him; from all which he states, that the negroes born of Lucy and Milly, after the execution of the commission, and before the passing of the decree, are Alfred, about fifteen years of age, and of the value of \$280; Cuffee, about thirteen years of age, and worth \$250; and Eliza, aged thirteen years, and of the value of \$175. In considering the second part of this order, and the decree of the Court of Appeals, it was designed to execute, it occurred to him, they might have been intended to require, as they literally do, an account solely and \*exclusively of the value of the labor of the negroes awarded to **21** the complainant in the first suit, from the time to which the credit in that suit was carried, to the date of their delivery; and he accordingly stated the account A, making due from the defendant to the complainant, \$879.60, with interest on \$831.32, part thereof from the 19th of December, 1816, until paid.

Then supposing it might be desirable to the Court to have the defendant allowed in such account all credits he might appear to be entitled to, and charged further with what might appear to be properly chargeable to him for services of the said negroes Alfred,