

Cuffee and Eliza; he stated another estimate of the allowance to be made for the raising of young negroes until they attained the age of seven years; from the evidence here reported, considered together with that taken under the commission in this suit; and then the account B, being a continuation of the account reported on the 17th of June, 1820; correcting, according to the estimate so stated, the credits in that account for the maintenance of young negroes, and charging the defendant with half the value of the services of the said Alfred, Cuffee and Eliza, from the time they respectively attained the age of nine years, until the 19th of December next, the end of the year; and it makes due from the defendant to the complainant, \$669.64, with interest on \$520.75, part thereof, from the said 19th of December, 1825, until paid.

To this report the defendant excepted, 1st. Because it was not pursuant to the decree of the Court of Appeals, nor warranted by the testimony. 2d. Because so much of account B, as relates to errors in the former account of the 17th of June, 1820, is not authorized by the testimony nor by the order of the Court. 3d. Because the valuation in the latter part of account B is not authorized by the decree of the Court of Appeals; and also because it is made upon the evidence of one who has given contradictory testimony, and is also contradicted by other proofs. 4th. Because interest is charged. 5th. Because account A is not warranted by the testimony; and 6th. To both accounts, because credits to which the defendant is entitled, and which have never been allowed him, are not given.

The defendant, by his petition on oath, stated, that in consequence of an agreement with the plaintiff to refer the case to arbitration, he had not caused his witnesses to attend and give evidence before the auditor. Whereupon he prayed, that the case

22 * might be remanded to the auditor, with directions to take further testimony, &c.

BLAND, C., 13th October, 1825.—Ordered, that this case be, and the same is hereby returned to the auditor, to take such additional testimony as may be produced by either party, on giving the usual notice; and to correct his report and statements accordingly.

On the 20th of September, 1826, the auditor reported, that after having given notice to the parties, he had taken the depositions of several witnesses, from which he had corrected the estimates heretofore returned, and restated the accounts. On account A, the defendant is indebted to the complainant in the sum of \$824.43, with interest on \$779.22, part thereof from the 19th of December, 1816, until paid. On account B, the defendant is indebted to the complainant in the sum of \$603.93, with interest on \$475.71, part thereof from the 19th of December, 1825.