

as she then considered it, for what she was entitled to, which, if leading to her injury, ought not to be countenanced by a Court of equity. 1715, ch. 39, s. 15.

With respect to the manner of taking the account, it is not meant to decide thereon at present; but the Chancellor is of opinion, that so far as the specific property came to the hands of the defendant as guardian, having before held it by his intermarriage with the administratrix, he is not entitled to settle by the amount of the inventory in money. But, on the other hand, the Chancellor is not satisfied, that the appraised value of the negroes, &c. (as far as it is to be considered in the account,) it is to be controverted by the opinions of witnesses as examined in the commission.

S *Decreed, that the release signed and sealed by the complainant Harriet, filed with the proceedings, exhibit No. 6, be set aside, annulled, and declared void as such, leaving the money and articles therein referred to, to be restored or accounted for as shall hereafter be ordered. And that the defendant account with the complainants for their proportion of the personal estate, and for the rents and profits of the real estate in the proceedings mentioned. That the said accounts be stated by the auditor according to the proof already taken, and in addition thereto, on such proof as may be produced by either party; and to be returned, subject to the further order and decree of this Court.

The plaintiffs, by their petition, stated that they had frequently applied to the auditor to state an account, as directed by this decree, which he had not done, by which means the defendant was in the full enjoyment of all their property, to their great delay and injury. Wherefore, they prayed, that the auditor might be ordered to proceed without delay, &c.

KILTY, C., 5th June, 1812.—The auditor is directed to proceed immediately on the statement of the accounts under the decree; unless prevented by any particular circumstances, which circumstances, if any, he will state to the Court.

After which, the auditor stated, and on the 2d of July, 1812, reported an account, as required by the decree; which was suffered to remain some time without objection, when the case was again brought before the Court by the plaintiffs.

KILTY, C., 15th July, 1812.—The report having been docketed, and laid during the first seven days of the present term, the complainants are entitled, under the rule of the Court, to have the accounts ratified, or examined and decided on.