

May, 1818; because there is no proof of their value independent of the ground attached to them. And the estimates of their value for the time prior to the first of May, 1818, seems defective as it is predicated upon proof of their average value from 1797 to 1827; whereas the proof should have been of their average value from 1797 to 1818. The estimate of the value of the property conveyed to William McMechen is unsatisfactory for the reasons before stated. The account, as stated, is nevertheless the best that can be stated from the proofs before the auditor. The allowance for the value of the house on Goodman street is increased to \$1,500 on the authority of the depositions of Thomas Childs and Richard A. Shipley, filed 16th August, 1830. All the accounts are stated with interest to this date.

To this report of the auditor, the defendant Edward Hagthrop excepted; first, because the auditor had charged him with the sum of two dollars per foot for the lands fronting on the Ferry road and Goodman street, which was not sustained by the proofs. Second, because the auditor had charged this defendant with the value of certain negroes, personal property and chattels real, amounting to \$60,667.30, when in truth such negroes, personal property and **598** *chattels real, and the value thereof, are not sustained by any proof. Thirdly, because the auditor hath not allowed this defendant the several sums of money laid out, expended and paid by him on account of the lands and property mentioned in the proceedings; and for large sums of money paid to the representatives of Anthony Hook by this defendant, and the defendant Barbara, all which are fully proved by sufficient evidence. And fourthly, because this defendant is made debtor for \$56,899.42, when in truth all the negroes, personal property and chattels real, whence that sum arises, principally belonged to him, though claimed under Barbara, all which is fully sustained by the proof.

The defendant Benjamin Rawlings also excepted to this report of the auditor. First, because he had placed too high an estimate on the annual value on the lot therein mentioned; and charged this defendant with more ground rent for the same than was justified by the evidence. And secondly, because the auditor has not estimated the value of the improvements erected on that lot at as much as they are shewn by the evidence to be worth. And the defendant John Fitzgerald excepted also to this report of the auditor for the same reasons.

After which the plaintiff, by his petition, filed on the 5th of October, 1831, stated, that since the passing of the order of the 5th of December, 1826, the defendant Chittenden had departed this life, and that the lot of ground which had been held by him, as in the proceedings mentioned, was then in the possession of Harriet Chittenden; his widow and legal representative; that this plaintiff has since discovered, that the title to this lot of ground