

pay for a clear and unincumbered title the sum of \$3,000, subject to a ground rent of \$80 per annum. That on the 16th of September, 1837, the defendants, by the order and direction of said Rachael, testified by her becoming a party to the deed, conveyed the said property to the said Helena Stewart. That at the time of the sale to said Helena there were various liens for taxes and ground rent existing upon said premises, which it was agreed should be discharged out of so much of the purchase money as might be coming to said Rachael out of the proceeds of sale. That the sum so due the said Rachael was applied, in accordance with this agreement, to the discharge of said liens and incumbrances on said premises. A copy of these liens, and the payment thereof, is filed with the answer, which the defendants aver is a just and true account of the payments made by them under the agreement aforesaid, the vouchers of which have long since been shown to the complainant, and they are ready to produce the same whenever required.

A commission was issued to take testimony which was returned and filed on the 6th of January, 1846, containing evidence fully sustaining the allegations of the answer. The cause being submitted, the Chancellor on the 26th of April, 1847, passed the following order :

“This case has been submitted upon the bill, answer and proofs, and an agreement, in writing, on the part of the complainant’s solicitor. Before a decree can be passed, it is necessary that a report should be made by the Auditor, and the Chancellor thinks that it would be premature to pronounce any opinion upon the merits until the report is made.

“It is, therefore, ordered, this 26th day of April, in the year 1847, that this case be, and the same is, hereby referred to the Auditor, with directions to state an account between the plaintiff and defendants, from the pleadings and proofs now in the cause, and such other proof as may be laid before him, and the parties are hereby authorized to take depositions before any justice of the peace, on giving three days notice, as usual, provided the said depositions are taken and filed in the chancery office, on or before the 31st day of May next.”