

to all equity that he should now be allowed for the hire of those negroes ; *seventh*, because credit is not allowed the defendant for the two negroes, *Walter* and *Mary*, who had died before the former decree ; and *eighth*, because no allowance had been made to the defendant for the expense of raising the young negroes, born since the death of *Vachel Dorsey*, which have been allotted to the complainant.

12th January, 1821.—KILTY, Chancellor.—This suit being ready for hearing, was argued by counsel on each side, on exceptions to the auditor's report, and on the equity reserved by the interlocutory decree made by consent of the parties.

On considering the proceedings, I have formed the following opinions on the case ; *first*, that the decree in the suit by *Crapster* and wife, against *Griffith*, as affirmed by the Court of Appeals, is conclusive and cannot be opened for either party ; *secondly*, that the negroes born after the close of the commission, ought to have been brought in by a supplemental bill, and cannot be sued for by a new bill, having been in *esse* before the decree ; and *thirdly*, that the value of the labour of the negroes, from the time of the auditor's statement, ought not to be allowed in this suit, it being a subject proper either for the Court of Appeals, in the nature of an increase of damages, or interest ; or for a suit on the appeal bond. There is also a prayer in the bill for a conveyance of certain lands taken up, concerning which nothing was said in the argument ; and there is no ground for a decree.

DECREED, that the bill be dismissed with costs, to be taxed by the register.

From this decree the plaintiff appealed, and the case having been carried up to the Court of Appeals, and the solicitors of the parties fully heard there.

12th July, 1823.—By the Court of Appeals.—DECREED, that the decree of the Court of Chancery be reversed with costs in that court and in this. *Decreed*, that the appellant is entitled to one moiety 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 present appellee in the Court of Chancery, and which is referred to and made part of the bill of complaint in this cause ; and that the appellant is entitled to recover the value of the labour of the negroes assigned to him by said decree, from the date of the auditor's statement, to wit :