

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

13th October, 1825.—BLAND, Chancellor.—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.

The plaintiff excepted to this report, and account B of the auditors, 1st. Because an allowance was made to the defendant for the maintenance of the negroes *Alfred, Cuffee* and *Eliza*; and he is charged with the value of their services. 2d. Because it refers to and is predicated upon an account reported 17th of June, 1820, wherein are included sundry charges and discharges not warranted by the decree of the Court of Appeals; and 3d. Because, by that decree the only matter of account between the parties is the value of certain negroes' services mentioned in account A.

The defendant excepted to the report of the auditor, 1st. Because too much was allowed for the services of the negroes. 2d. Because too little is allowed for the maintenance of the infant negroes. 3d. Because the complainant is not charged with the moneys omitted in the former account, and which he had admitted, as would appear by the testimony. 4th. Because interest is charged, which, under any circumstances, ought not to be allowed, and more especially when the complainant has not executed the decree requiring him to reconvey the land; and 5th. Because, until a division is made of the negroes born after the return of the commission, and before the final decree, the defendant is not chargeable with the services of any of them.

30th January, 1829.—BLAND, Chancellor.—The exceptions to the auditor's report standing ready for hearing, the solicitors of the parties were fully heard, and the proceedings read and considered.