

a like sum of \$2,836 24, with further interest on the sum of \$2,594 91, part thereof, from this date until paid.

But the auditor is informed, that the admissibility of the deposition of the said *Frederick Dawson*, will be objected to on the part of the complainants. And he has, agreeably to instructions from the complainants' solicitor, stated another account B, which is predicated upon the letter of the said *William Dawson*, deceased, in his life-time, to *James Clerklee*, dated on the 9th of July, 1818. In this letter the said *William Dawson* states the amount paid to his banker, for principal of said legacy, and some interest thereon. The sum paid for interest is nowhere stated, except in the exhibits accompanying the aforesaid excluded deposition. And as this omission is to be attributed to the laches of the defendant, the auditor has thought it proper to charge the whole of the aforesaid amount of \$10,696 48, as received for principal of said legacy.

From the account B, it appears, that there is due to *Edmund H. Contee*, and *Eleanor R.* his wife, the sum of \$3,064 24, with further interest on the sum of \$1,991 92, part thereof, from this date until paid. To *Josias Hawkins* and *Caroline A.* his wife, the sum of \$3,186 11, with further interest on the sum of \$2,316 61, part thereof, from this date until paid. To *Elizabeth Clerklee*, the sum of \$3,257 90, with further interest on the sum of \$2,600 77, part thereof, from this date until paid. To *Margaret Clerklee*, the sum of \$3,296 52, with further interest on the sum of \$3,016 03, part thereof, from this date until paid. And to *Sarah Emily Clerklee*, payable on her arrival at age or marriage, the like sum of \$3,296 52, with further interest on the sum of \$3,016 03, part thereof, from this date until paid.

On the 16th of December, 1829, the plaintiffs filed the following exceptions to this report of the auditor: *first*, because the account A, as stated and reported, is founded upon the deposition of *Frederick Dawson*, who is not a competent witness; *second*, if he be competent as a witness, that his deposition is in contradiction to other evidence in the cause, and to the acts and admissions of the late *William Dawson*, and ought not to have been relied on by the auditor; *third*, because the account B, as stated and reported by the auditor, is the true account between the parties.

And on the 22d of the same month, the defendant *Eleanor Dawson* filed the following exceptions to this report of the auditor; *first*, because the principal sum charged in each account, is greater