

4th August, 1825.—BLAND, *Chancellor*.—Ordered, that this case be, and the same is hereby referred to the auditor, with directions to state an account from the proceedings, shewing the hires of the said negroes, with which the said late *Kinsey Gittings* was chargeable, from the time they came into his possession and were demanded of him, until they were sold by his administrator, and the amount of sales of said negroes, and the interest thereon from that time.

The auditor on the same day made a report, in which he says, that he had stated an "account shewing the amount of sales of the negroes, and the interest thereon from the time they were sold; but that he finds nothing in the proceedings from which he can state an account shewing the hire of the said negroes, with which *Kinsey Gittings* was chargeable from the time they came into his possession and were demanded of him, until they were sold by the defendant as his administrator." Upon which the case was immediately submitted without argument.

4th August, 1825.—BLAND, *Chancellor*.—Decreed, that the report of the auditor be confirmed, and that the defendant, *William Scott*, forthwith pay to the complainants, or bring into this court to be paid to them, the sum of \$4006 15, with interest on \$2850, part thereof, from the fourth day of August, 1825, until paid or brought in as aforesaid.

On the 22d of September, 1825, the plaintiffs, by their petition, applied for a *feri facias*, which was immediately ordered and issued to the sheriff of Montgomery county, which writ was endorsed thus, "complainants release Doll. 392 90½."

On the 15th of November, 1825, *William Scott*, together with *Berry Gittings*, *Michael Gittings*, *Richard Gittings*, *Sarah Gittings*, an infant by her guardian and next friend, and *Jeremiah Gittings*, also an infant by his guardian and next friend, filed a bill, which they style, "their supplemental bill in the nature of a bill of review," in which they recite all the proceedings in the before mentioned case.

They state and object to those proceedings and the decree thereupon, that under the commission to *Smith*, three witnesses were examined, who "according to the tenor of the return were no otherwise sworn, but severally and respectively to depose and testify according to the best of their knowledge and belief, and are