

CRAPSTER v. GRIFFITH.

After which it was, by a writing filed, agreed between the parties, that this decree be annulled and set aside; that the accounts and papers be returned to the auditor; and that further accounts be stated according to the directions which should be given to him by either party.

On the 19th of December, 1813, the auditor filed a report in which he says; that instructions having been filed, on the part of the complainants; and the service of notice, when he should proceed to state the account having been admitted by the defendant; he did proceed accordingly, and having carefully and minutely examined the proceedings, the testimony and the instructions, he has first stated account No. 1, in which the defendant is charged with the rents and profits of the real estate, without interest, up to the 9th of January, 1811, and credited by his wife's one-third thereof to the 9th of January, 1808, the day of her death. This account shews the sum of \$201 26, to have been *John H. Dorsey's* share of the said rents and profits to the day of his death; and the sum of \$1322 63, to have been the complainant's wife's share of the same rents and profits, to the day on, or about which the possession of the real estate is said to have been delivered to the complainants.

The auditor has then stated account No. 2, in which the defendant is first charged with the whole balance of the personal estate remaining, after payment of debts, with interest thereon from the 25th of April, 1798, to the 19th of December, 1813, and credited by the amount of the appraised valuation of the slaves; by his wife's one-third of the balance, to the day of *John H. Dorsey's* death, and her one-half thereof from that time to the 19th of December, aforesaid. This part of the account shews the sum of \$194 32, to be *John H. Dorsey's* proportion of the net personal estate, other than slaves; and of the interest of the whole net personal estate to the day of his death; it also shews the sum of \$738 16, to be the complainant's wife's share thereof to the said 19th of December, 1813. In the second part of this account the defendant is charged with *John H. Dorsey's* said proportion of the profits of the real estate; and with his said proportion also of the net personal estate, other than the slaves, and of the interest of the whole net personal estate, to the day of his death; and he is credited by the usual allowance for the said *John H. Dorsey's* board, clothing and tuition, viz: the yearly profits and interest of his real and personal estate respectively; and, also by his wife's one-half