

shall hereafter be determined upon consideration of his trouble, skill, and diligence in the premises.

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The receiver gave bond as required. On the 13th of March, 1829, the Baltimore commissioners returned the testimony taken by them under the order of 20th of November. The auditor, in a report filed on the 10th of December, 1829, stated, that he had examined and considered the additional testimony which had been brought in; much of which was uncertain and unsatisfactory; but, that he had, as instructed by the plaintiff's solicitor, restated the accounts, &c. The plaintiff, by his petition, stated, that the auditor had found it difficult to make an accurate report for the want of a plot of the land in dispute, designating the particular part in the possession of each one of the defendants, so as to apply the testimony to each, as directed by the order of the 5th of December. Whereupon he prayed for a survey; for leave to take further testimony, &c.

After which an agreement in the following words was filed. 'It is agreed between the parties to said cause, that *Matthew Bennett*, one of the defendants, be struck out as a party to said bill without prejudice to said cause. And it is further agreed, that the auditor's report be remanded to him; and that the commission to take testimony to be used before the auditor, be remanded to Baltimore, and that a plot be made of the land in dispute in said cause, and the witnesses be examined in relation thereto, agreeably to the complainant's petition filed on the 24th instant. And it is also agreed, that so soon as the auditor's report is completed and filed, that the said cause shall be set down for final hearing.'

5th June, 1830.—BLAND, *Chancellor*.—*Ordered*, that this case be and the same is hereby again referred to the auditor; that the said commission, or a duplicate thereof, be sent to the commissioners to take further testimony; and that a survey be made of the property in the proceedings mentioned, as prayed, on giving the usual notice. *Provided*, that the testimony and plots, hereby allowed to be taken and made, be returned and filed in the Chancery Office on or before the 24th day of July next.

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Under this order the lands were laid down and plots with much additional testimony was returned.

The auditor, on the 29th of March, 1831, filed his report, in which he says, that he had restated all the accounts and made his