That Edward Norwood of the same county heretofore exhibited against your petitioner his bill of complainant on which it was in such manner proceeded that your honor decreed and ordered an account to be taken and stated by the Auditor of this court as by the said decree will more fully appear. -

That from the time of the death of Edward Norwood father of the Complainant and your petitioner for many years the accounts of the profits and expenditures of the land called United Friendship on which the Complainant alleges the ferry house mentioned in his bill doth stand and to which also he alleges the ferry belongs are kept & entered in certain books of accounts or entries which contain also the general accounts between them as well relative to the said farm and ferry as other transactions concerning their fathers estate and their common concerns in which as well by the said Complainant as this petitioner entries, charges and credits are made and the said books of accounts and entries which your petitioner cannot otherwise identify than by reference to their subject matter were left in the possession of the said Complainant and your petitioner now believes are still in his possession or control. — That it is necessary that the said books of account and entries should be produced before the Auditor of this court as your petitioner thereby expects to prove by the entries and admissions of the said Complainant various charges for which he hath no other proof. — He therefore prays that your honor would order the production of the said books and entries and he will pray &c.

J Winchester for Petr. —

On the twenty eighth day of march 1799 came Samuel Norwood and made Oath on the holy Lo angels of almighty God that the several matters and facts contained in the within petition are true as therein stated to the best of his knowledge & belief. —

Sworn before Samuel H Howard

whereupon the Chancellor passed the following order. to wit. —

Edward Norwood
&
Samuel Norwood

In Chancery March 28th 1799. —

On the petition of the defendant Samuel Norwood it is adjudged and ordered that the complainant Edward Norwood do forthwith produce to and lodge with the auditor of this court for the purpose of his

stating an account between the parties every book in his (the said complainants) possession which contains any entry, entries memorandum or statement relative to the matter or dispute between them, and to the account to be stated by the auditor in conformity to the decree in this cause lately passed. -

A. C. Hanson Chancr.

and at the same term the parties by their counsel entered into the following agreement to wit

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agreeably consent that any depositions taken before the auditor or before a Justice of the peace in Baltimore county upon the matters in dispute between the parties and on three days notice to the opposite party shall be received and read in the stating and framing an account before the auditor, and on the final hearing of the cause: provided the said depositions be taken and returned before the first day of may next. —

R Ridgely for Compl.
J Winchester for defendt.

And at february term aforesaid the auditor made return of his report with the accounts & proceedings & the evidence in the words following to wit. —

Edward Norwood
vs
Samuel Norwood

In chancery april 12. 1799.

In Obedience to the decree of the honorable the Chancellor in this cause the auditor begs leave to report, that after giving the parties notice and receiving what further testimony they chose to produce he has stated accounts nr. 1. 2. 3. 4 & 5 to which he begs leave to refer. — The auditor further reports that account nr. 1. is a copy from the books of the complainant commencing in the year 1775. which appears to have been adjusted and settled by arbitrators and after charging interest the balance struck on the 14th. of June 1787 which then amounted to £168.. 0.. 4 current money, that for this account there does not appear any other evidence or vouche except the waste books & Ledger lodged by the complainant where the original entries appears to have been made. — That Nr. 2. is an account of the forriages received by the Complainant for his proportion of tolls as entered on his cash book monthly commencing on the 23. day of may 1786 to the thirty first of October 1796 & from this view of the profits the auditor has made an estimate on the back of said account of the probable monthly receipts of the said ferry. — The Auditor further reports that Nr. 3 is an account stated from the balance on account Nr. 1. the auditor has stated the account in this manner in order that the private accounts and the account for the profits of the ferry might be distinct. that in this account the Defendant has credit for his one half of £185.. 1.. 9¼ being sundry receipts which he has exhibited and which does not appear to have been entered on the complain.ts books, they appear to be accounts against E & S. Norwood but those for the complain.t was omitted in the whole of the debts the auditor cannot say, the balance due the complain.t on this account including interest to this day amounts to 68.. 18.. 2. current money. — The auditor further reports that Nr. 4 is the complain.ts proportion of forriages from the 6th. of september 1795 to the 25th. June 1796 with interest thereon to this day amounting to £64.. 9.. 2 current money. — The auditor further reports that Nr. 5 is a further account of forriages from the first of november 1796 when the defendant moved the ferry boat &c. from the