June Term 1828

value, and gives them credit for Improvements erected on the property going to advance its value, with Interest from the time of their erection.

The second account charges the respondents with rents while rents were paid, and the annual value of the property after rents ceased to be paid, without paying any regard to the costs of Improvements, and gives them credit for the real value of the Improvements as they advanced the value of the Land.

The third account charges the respondents with the rents while received, and the annual value of the Land as increased by Improvements by adding the annual Interest of the money expended in Improvements, to the rents and annual values as aforesaid, and gives them credit for Improvements going to advance the value of the property with Interest on each.

The undersigned has, for the more complete understanding of this cause stated two other accounts between the parties marked Auditors report No 1st & 5.

No 1st charges the respondents with rents while rents were paid, and with the annual value after rents ceased to be paid, as that value was increased by Improvements, with Interest on the rents and improved value, and has credited them by Interest on the costs of Improvements going to advance the value of the Land from the time of their creation.

No 5 charges the respondents with rents while rents were paid and with the annual value after rent ceased to be paid, as that value was increased by Improvements, by adding the annual Interest on the costs of Improvements to the rent or annual value as aforesaid. And gives them credit for the costs of Improvements going to advance the value of the Land, with Interest on rents, annual value and Improvements from 1st January 1796 being the day on which rent became due to 26th July 1815 the day on which Arthur Thompson and wife conveyed the Land to the Complainants in this cause.

The Auditor in his calculations in the foregoing reports, as to the day upto which calculations should extend, has been guided by the Interlocutory Decree passed in this case at March Term 1819, which directed that the rents, annual value and Improvements with Interest on each should be calculated upto the date of the Deed from Arthur Thompson and wife, to the Complainants in this cause, which Deed was dated 26th day of July 1815.

The undersigned by said Decree was directed to ascertain and report the profits of said Land thereafter, which report is herewith Exhibited, shewing the profits from the date of the Deed to the passage of the before mentioned Decree. The only testimony which the undersigned has been able to obtain, whether sufficient assets have come from Bennet Walker deceased, to the Respondents in this cause, is a certificate from the Registes of Wills of Saint Mary's county, herewith exhibited.

All of which is respectfully submitted. Lewis Ford. Auditor

The Hon^ble the Judges of Saint Mary's County Court sitting as a Court of Chancery.

I James Forrest Reg^r Wills for Saint Mary's County do hereby certify that the personal estate of Bennet Walker deceased has not been finally settled, and as far as I can ascertain from accounts which have been passed against said estate, the Adm^r De Bonis Non has not sufficient assets in his hands to satisfy the claims of creditors.

In Testimony whereof I have hereto set my name and affixed my official Seal this 18th day of August 1800.

(Seal)

Ja Forrest Reg^r Wills

Nicholas Carberry & others
vs
Mary Millard & others.

In Chancery August Term 1800

Interrogatories propounded by Auditor

Interrogatory 1st. What do you suppose to be the annual value of a Tract of Land called "Yelloing Berry" on which Bennet Walker lately resided from the year 1796 to 1805.

2d Int^y What do you suppose to be the annual value of said Land from the year 1805 to 26th July 1815.

3d Int^y What do you suppose to be the value of said Land annually from 1796 to 1819 paying no regard to costs of Improvements.

June Term 1828

William Dunbar being first duly sworn

To 1st Int^y saith $20. To 2d Int^y answereth $45. To 3d Int^y answereth $20

Zachariah Mallinghy sworn

To 1st Int^y answereth $20. To 2d answereth $45 to 50. To 3d Int^y answereth $20

William Risco sworn.

To 1st answereth $20 to 25. To 2d Int^y answereth $45 to 50. To 3d Int^y answereth $21.

Lewis Ford Auditor

And the said Nicholas Carberry, Andrew Ochler & Rose Ann Ochler his wife by their solicitors aforesaid file in Court here their exceptions to the Auditors five Reports last aforesaid made and which are in the words following to wit

Nicholas Carberry & others
ag^t
Mary Millard & others

In this case the Auditor having made five reports in pursuance of the Decree made at last Term but the Complainants pray leave to except to the said report, and for cause shew that in neither of the said reports is the value of the Improvements as they now enhance the value of the Land stated. That neither of the reports correspond and is conformable to either of the orders given in the last Decree

T. D. Thomas for Complainants

Whereupon the Court here passed the following order to wit.

August Term 1820

N. Carberry & And^w Ochler & Wife ag^t Mary Millard & others

Ordered by the Court that the Auditor be and he is hereby directed to state such other accounts as he shall be directed by the respective parties (and in conformity to such precepts as they shall present in writing) and report the same to the Court subject to its further order.

By order. Jo Harris clk.

And the said cause as stayed was continued from Term to Term of the said Court until August Term eighteen hundred and twenty one when the Court here passed the following order in addition to an order passed at March Term 1821.

In addition to this order, the Auditor is directed to state the account in any other manner that the parties or either of them shall direct.

16th August 1821. Jn^o Johnson. J. R. Plater

And the said Nicholas Carberry, Andrew Ochler and Rose Ann Ochler his wife by their solicitors aforesaid file in Court here their instructions to the Auditor in the words following to wit

Carberry & Ochler & wife
ag^t
Mary Millard & others.

August Term 1821

That the Auditor report as follows

First charge the Defendants with the annual rents while rents were paid and Interest on each years rent.

2d charge the Defendants with the annual value from the time Bennet Walker occupied the Land before Improvement and Interest on each years rent

3d From the time when the Improvements were made add 10 per cent on the value of the Improvements from the time when made to the annual value independant thereof and charge Defendant with the increased amount thus made annually and interest thereon

4th Credit the defendant by the amount of money laid out in improvements and interest thereon

5th Let the account be stated upto the time of filing the bill and then upto the date of making the report or first Decree.

Mr Ford will please to make a report pursuant to the above principles.

And the said cause so standing was continued from Term to Term of the said Court until March Term eighteen hundred and twenty two when Lewis Ford the Auditor made report of his proceedings in the words following to wit

Statement No 1.

Dr. Mary Millard and others, heirs and representatives of Bennet Walker dec^d