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of the averment in the supplemental bill that Washington Hall is interested in the claim of Saml. C. Hall:

17th That the memorandum in the book referred to in the evidence of States showing when the partnership between him and Leeswell the younger was dissolved is inadmissible evidence.

J. Johnson, for Defendants

It is agreed in this case that the aforegoing exceptions and points shall have the same effect as if incorporated in the transcript of the record sent from the Court of Chancery to this Court; and it is further agreed that the appeal in this case shall be dismissed unless the Legislature at its present session pass a law authorising this Court to entertain the present appeal.

Otho Scott, for Appellants
J. Johnson, for Defts.

Thereupon the Court of Appeals here, adjudged and ordered that a Statement of claims against John Leeswell the elder deceased be made by the Auditor, whereupon in pursuance of said order and direction the Auditor files in Court here on the twenty sixth day of February eighteen hundred and forty two his report, and which is in the words and figures following to wit.

George Gillispie adm.r of Samuel C. Hall and others. vs. The Elkton Bank of Maryland and others.

In the Court of Appeals for the western shore 26th February 1842. The undersigned the Auditor to whom this cause was referred reports to the Honorable the Judges of the Court of Appeals for the western shore that he has examined the proceedings therein and from them made a statement of claims against John Leeswell the elder deceased in conformity with their directions as conveyed to him through Richard W. Gill, Esquire the Clerk of their Honorable Court whereby there appears to be due to the complainant George Gillispie for the use of Washington Hall, the sum of six thousand three hundred and twenty nine dollars and fifty seven cents ($6329.57) with interest on two thousand six hundred and twenty five dollars and forty seven cents ($2625.47) part thereof from 26th February 1842 until paid; to the complainant James Evans on his claim numbered 2, the sum of three hundred and fifty seven dollars and one cent ($357.01.) with interest on one hundred and forty five dollars and seventeen cents part thereof ($145.17) from the same day until paid to the same complainant on his claim numbered 3, the sum of ninety five dollars and eighty five cents ($95.85) with interest on thirty eight dollars and ninety eight cents ($38.98) part thereof from the same day until paid and to the complainant Philip Thomas the sum of one thousand and seventy four dollars and thirty five cents ($1074.35) with interest on four hundred and sixty four dollars and twenty five cents ($464.25) part thereof from the same day until paid. The undersigned Auditor as aforesaid further reports that as it appears from the proceedings that the complainant Washington Hall is the person beneficially interested in the claim of the complainant George Gillispie he has marked it for the use of the said Hall and submits how far he was correct in so doing, and that he deducted from

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the amount paid to the bank twenty cents in the dollar for the actual value of the paper in which it was paid as well as the amount of the judgment recovered against Samuel C. Hall as surety for George W. Leightner with costs and interest to the day of payment to the Bank. That it appears he submits in the proceedings that the payments on which the complainant Evans' claims are based were made by his testator and Reuben Reynolds jointly from which he has assumed that they contributed equally thereto and has therefore assigned to the said Evans one half of the balance shown by the Statement of the Auditor in Chancery filed 1st June 1837, as the sum paid by his testator. He further reports, that he has calculated interest on all the claims to the date of this report. All which is respectfully submitted.

Auditors fees $23.

Lornelius W. Dean, Aud.r

A Statement of claims against John Leeswell the elder deceased.

1842					Dolls	cts	Dolls.	cts
Feb.y	26th	To George Gillispie adm.r of Samuel C. Hall use of Washington Hall for money paid by Samuel C. Hall, 21st Aug.t 1818 as endorser on promissory notes discounted at the Elkton Bank for the accommodation of deceased . . . claim No. 1.			3960	01		
		Deduct 20 per cent for discount on the paper of the Elkton Bank in which said sum was paid . . .		$792.00				
		Deduct amount of Judg.t in local County Court April Term 1818 by Joseph London Ex.r of deceased against Samuel C. Hall as surety for George W. Leightner . . .	504.33					
		Int. from 28th March 1818 to 21st Aug.t . . .	12.10					
		Costs . . .	26.11	542.54	1334	54		
					2625	47		
		Interest on balance from 21st Aug.t 1818 23 yrs. 6 mo.s 5 dys. . . .			3704	10	6329	57
		To James Evans Executor of Robert Evans for one half of Balance stated by the Auditor in Chancery to be due to him and the adm.r of Reuben Reynolds on his statement filed 1st June 1837 for money paid by said Robert and Reuben to John Patridge and Robert C. Insby as sureties of deceased the whole balance being $631.36. ½ . . . claim No. 2			315	68		
		Interest $146.17 from 28th May 1837 . . . 4 yrs 8 mo.s 28 dys			41	33	357	01
		To James Evans Executor of Robert Evans for one half of balance stated by the Auditor in Chancery to be due to him and the adm.r of Reuben Reynolds in his statement filed 1st June 1837 for money paid by said Robert and Reuben to Jeremiah Leedden as sureties of deceased the whole balance being $169.52. ½ claim No. 3.			84	76		