Calvert prays leave to except to the Auditors Report and accounts filed in the cause,

1st For that said Report and accounts purposes to be stated in obedience to the instructions of the Solicitor for the Complainants and not in accordance with the rules established by the Auditor, and are inconsistent with the facts proved,

2d For that said Report and accounts are stated without Credits given to these Respondents,

3d For that there is no Evidence compleat and proper to shew what sum is certain is chargeable against these exceptants, The first instruction of the Complainants Attorney that he has expressed the agreement which is stated in his second instruction, or deemed that it is susceptible of the construction which is attempted to be given it by the said second instruction and moreover the said agreement supposing same had or existed in any manner the rights of the defendants thereto of the Complainants,

4th For that there is Evidence in the cause that these exceptions are entitled to large Credits over and above those which are admitted by the aforesaid instructions, to which all the Credits which are claimed on Exhibit J. H. B. filed with the Commissioner under the hearing of Charles H. and Rosalie Carter to Charles P. Calvert Esq. of Geo. Calvert and they also claim that they are entitled to other Credits to Viz the additional credits claimed in the Answer of the Excepts and Charles P. Calvert and also the sum of $800. Mentioned in the first stage of said Exhibit as explained in the testimony, And also the excess of the sum charged in said first stage over and above the claim of the Complainants and his late Wife against Geo. Calvert deceased as ascertained by Walter Jones.

5th That there was Manifest error in the settlement made between George Calvert in his life time and the Complainant in this that a certain sum which was the right of the said George Calvert deceased was treated as belonging to the Children of his deceased Wife, and it is insisted that said error ought to be corrected, whereby the excess as claimed in the last preceding exception will be increased,

Thos. S. Alexander

C C Magruder for defts.

Whereupon this cause is further continued until the second Monday in June next.

At which Time came on to be heard the 9th day of the same Month in the year of our Lord 1856 came again into Court here as well the said Complainants as the said Respondents by their Solicitors aforesaid, and thereupon by order of Court this cause is further continued until the 1st Monday in November next.

At which Time came on to be heard the third day of the same Month in the year of our Lord 1856 came again into Court here as well the said Complainants as the said Respondents by their Solicitors aforesaid, And thereupon by order of Court this

cause is further continued until the first Monday in February next at which time came on to be heard the first Monday in February being the second day of the same month in the year of our Lord 1857, came again into Court here as well the said Complainants as the said Respondents by their Solicitors aforesaid, And thereupon by order of Court this cause is further continued until the first Monday in April next.

At which time came on to be heard the first Monday in April being the 6th day of the same Month in the year of our Lord 1857 again into the Court here as well the said Complainants as the said Respondents by their Solicitors aforesaid,

And thereupon by order of Court here this cause is further continued until the second Monday in June next.

At which time came on to be heard the first Monday in June being the 1st day of the same Month in the year of our Lord 1857 came again into Court here as well the said Complainants as the said Respondents by their Solicitors aforesaid,

And the said Respondents by their Solicitors aforesaid pray in Court here the following Decree to Wit.

Charles H. Carter

vs.

Charles P. Calvert and others } In the Circuit Court for Prince Georges County.

Removed from the late Court of Chancery.

To the Honorable Peter V. Crain Judge of the Circuit Court for Prince Georges County sitting in Equity.

The petition of Charles P. Calvert and George H. Calvert defendants here to humbly shews that the Bill of Complaint of the Complainant among other things alleges that a certain conveyance therein described as made by George Calvert deceased in his life time for the account of the Complainant and the then late wife lately deceased and bearing date on the 12th of November 1836 was made and executed exclusively in satisfaction of certain monies at the time in the hands of the said George Calvert for the use of the Complainants said late wife and thereafter payable to her, which said monies were received from the Executors of Henry Oliver deceased the grand father on the part of the mother of the said late wife of Complainant and summing her share of which is usually designated in the proceedings in this cause as the paternal succession, and therein prays an account of certain other monies which had come to the hands of the said George Calvert for and on account of his late wife Rosalie Eugenia Calvert, and which he was entitled to hold and enjoy during his life and after his death was distributable among the Children of the said Rosalie Eugenia Calvert of which the late wife of the Complainant was one,

That these