7 For that the Auditor has improperly charged this exceptant with divers sums of money as for costs which are not properly chargeable against him in account.

8 Further the Auditor has charged Charles H Calvert with assets as executor of George Calvert and charged him in that character when there is no decreed in the Bill. The said liability

Thos S Alexander.

and C C Magruder for Exceptant

And thereupon this cause is further continued until the first Monday in November next. And now here at this day to wit on the 1st Monday in November being the 1st day of the said month in the year of our Lord 1858 come into Court here as well the said Complainants as the said Respondents by their Solicitors. And thereupon the said sequear the premises being heard the Court here passed the following decree to wit.

Charles H Carter
vs
Charles B Calvert
George H Calvert
and others

This cause standing ready for final hearing the proceedings were read and considered. It is thereupon this 6 day of November in the year of our Lord 1858 by Peter W Crain Judge of the Circuit Court for Prince George's County, and by the authority of said Court adjudged ordered and decreed that the Auditor's Report and account filed on the 31 day of August last and the Auditor's Report and account filed on the 30 day of September last (the said accounts being numbered respectively 3 and 4 herein) be and the same are hereby ratified and confirmed and that the Exceptions thereto filed by the Defendant Charles B Calvert be and the same are hereby overruled and excluded as not having been filed within the time limited for that purpose,

and it is further adjudged ordered and decreed that the sum of $12037.34 is due and payable as principal to Charles

B Calvert and Robert E Lee the Trustee under the marriage settlement between the Complainant Charles H Carter and his deceased wife Rosalie Eugenia which appears in the proceedings and that the further sum of $5455.45 of Interest upon said mentioned sum to the 20 of August last is due and payable to the Complainant Charles H Carter and that the payment of the said two sums amounting to $17492.99 is provided for and secured by the deed of Trust of George Calvert filed in the cause and bearing date on the 11 day of November 1837. And it is further adjudged ordered and decreed that the Defendants Charles B Calvert and George H Calvert Trustees under the said deed of Trust do forthwith proceed to execute the powers vested in them by the same for the paying and satisfying the said sum of $17492.99 with interest thereon from the 20 day of August last to the final date of interest the said Charles B Carter will be entitled to receive and for that purpose do immediately sell the property mentioned in and conveyed to them by said Deed, or so much thereof as may be necessary to that end. And it is further adjudged ordered and decreed that the said Trustees do bring into this Court from time to time as received the net moneys arising from their sales, or so much thereof as may be necessary for that purpose to be paid as is provided by this Decree. And whereas from in this Court need give the proper directions as to the and estimate of the principal sum aforesaid.

And it is further adjudged ordered and decreed that the defendants Charles B Calvert and George B Calvert pay to the Complainant the sum of $381.74 for his costs as stated in the Auditor's final account and his further costs of suit to be taxed by the Clerk.

Peter W Crain.

And thereupon the said Charles B Calvert and George H Calvert prays by their Solicitors aforesaid, an appeal from the Decree so as aforesaid passed in the premises to the Court of Appeals