

were taken to said accounts by Richard Gambriel, the tenant for life, the nature of which sufficiently appears from the following opinion of the Chancellor, pronounced on the hearing of said exceptions.]

THE CHANCELLOR :

This case is submitted upon the exceptions of Richard Gambriel to the Auditor's account C, accompanying his report of the 27th of January last.

The case, in its circumstances, is not precisely like that of *Bright vs. Boyd*, 1 *Story's Rep.*, 478, cited with approbation by the Court of Appeals in *Jones' Admr. of Hawkins vs. Jones*, 4 *Gill*, 87. But though the facts are dissimilar, the views expressed by the Court in both cases apply with much force to the question raised by the first exception in this case.

The principle settled by the Court of Appeals in *Jones vs. Jones* appears to be this : that though a mortgagee in possession, or a tenant for life, may not in all cases be allowed for new improvements, yet a party, thinking himself absolutely entitled, who has expended considerable sums in repairs, and lasting improvements, will be allowed for such expenditures. The Court did not mean to decide against the right of the mortgagee, or tenant for life, to be allowed for reasonable and permanent improvement, as well as repairs ; but that, conceding such to be the rule still, a party entertaining the *bonâ fide* impression that he was the true and absolute owner, and expending money under that impression in improvements, as well as repairs, would, when called upon to account, be permitted to recover the amount so expended, from the rents and profits.

This, however, is not a case in which a mortgagee in possession, or tenant for life, is called on to account ; nor is it a case in which a party supposing himself to be entitled to the estate has made improvements and repairs, and now when he finds he was mistaken as to the title, and the property and its profits are demanded of him, asks to be allowed for the sums so expended. It is a case in which the rights of the parties to the