

The complainants excepted to this report and accounts of the auditor ; *first*, because they admit the claims of *Walter* and *Kitty Bowie* to two-thirds of certain negroes devised by *Baruck Duckett* to the other children of *William Bowie*, of *Walter* ; *second*, because they assume, that said two-thirds is to be used, and their profits accounted for as parcel of said *Bowie's* estate ; and *third*, because they make no allowances to the said other children for the services of said negroes so bequeathed to them from the death of said *Duckett*.

The defendants excepted to so much of this report and accounts of the auditor as allow to the complainants hire for the negroes left to her by *Baruck Duckett* before the arrival of her brother *Walter* at the age of twenty-one years ; because, under the will of her father, *William Bowie*, to which the complainants are understood to assent, and under which they make claim to all the property left thereby to the complainant *Eliza*, the said negroes were to be retained and worked by his executors for the benefit of the whole estate : nothing, therefore, can be claimed by the complainants for their hire ; *second*, they except also to an allowance being made for the maintenance of said *Eliza* ; because of the provision made for her at the mansion house ; and *thirdly*, they except to any allowance to the complainants of any part of the profits of the estate which the defendants *Walter* and *Kitty* claim under the will of their grandfather *Duckett*, and the appointment by their father *William Bowie*, as stated in the proceedings ; because the said *Walter* and *Kitty* are entitled to claim the same, and will hold the same, under the will of their grandfather ; and will hold the same absolutely. The will of *William Bowie*, their father, does give them the same, and could not, and it is contended does not subject it to any incumbrances, charges, or conditions.

28th June, 1830.—BLAND, Chancellor.—Having disposed of the previously argued cases, I this day opened the bundle of papers of this case, which was argued on the 1st instant, and find that there are several reports and papers not marked filed, which I take it for granted the parties deem important, and wish to have considered as a part of the proceedings in this case.

Upon which I would observe, that it has been the regular course of this court during the provincial government, and thence down to the present time, to mark as filed all pleadings, exhibits and papers, more especially the reports from the regular or any special auditor, as of the day on which they are lodged in or returned to the Chancery office. All bills, except such as pray for an injunc-