

1862. know that he had any right to the property. It is not certain at what time he came to this country, or that the defendants became acquainted with his equitable interest. The question is, as to these defendants, what rents and profits they should be accountable for, and whether the plaintiff should, under the circumstances, be accountable for any substantial improvements.

Henderson
v.
Graves.

Under all the circumstances of this case I think the decree should be varied in this manner. As to the *Bryants* and *John A. Clark* the plaintiff's bill should be dismissed with costs. As to the defendants *McRory* and *Charles Clark*, the account of the rents and profits should be confined to commence at the date of filing the plaintiff's bill, and as to them it should be referred to the master to take an account of the fair value at the time of the taking such account of all such substantial and permanent repairs and improvements made by any of the defendants anterior to the filing of the plaintiff's bill, and that the plaintiff be charged therewith. That the defendants *Messrs. Smith & Henderson* should be declared entitled to be re-paid the £25 paid by them for getting in the title from *Bridge*, with interest thereon from the time it was paid; also, that an account should be taken of all their expenses in and about the business of the plaintiff, together with their costs of the ejectment suits brought by them to assert the plaintiff's title to the premises, and that they should account for what money they or either of them have or hath received from the *Bryants* and *John R. Clark* on account of their respective purchase moneys, and if it shall appear that the *Bryants* have not as yet paid the residue of their purchase money, then they shall assign the security held by them for the same to the plaintiff: and as to *James Graves*, that he should account to the plaintiff for so much of the purchase money as he may have received from the *Bryants* and from *John R. Clark*. As to the costs and all further directions, they should be reserved until after the master has made his report.

Judgment.