

required to take testimony, to make the necessary statements therefrom, and to report accordingly to the court. Such commissions were frequently executed at a distance from the court, without any help or light from the pleadings, in which the claims and pretensions of the parties were set forth; and, without any immediate access to the Chancellor for explanation of principles, in case of any doubt, or difficulty with the commissioners. Such a mode of preparing and stating accounts must often have been attended with much expense and inconvenience; yet as it is a mode of proceeding properly belonging to this court, which has not been in any way expressly or virtually abolished, it may now be resorted to in cases where the books, documents and proofs are at a distance, and cannot, without much inconvenience, be brought into court, and lodged within reach of the regular auditor. (a)

(a) *Clapham v. Thompson*, *ante*, 123; *Rutland v. Yates and Petty*, MS., 25th August 1739.

*BIRCHFIELD v. VANDERHEYDEN*, 12th July 1722.—After a commission to account, which had been issued to commissioners at a distance from the court, had been returned without any thing having been done, the plaintiff moved “for another commission to some persons in Annapolis to audite the same accounts for his more easy laying the accounts of the deceased before them;” which was granted.—*Ch. Rec. Lib. P. L. fol. 891.*

*DORSEY v. DULANY*.—This bill was filed, 11th December 1762, by the plaintiff against the administrator of his deceased partner, for an account, &c. The complainant and defendant, by their counsel, consented and prayed that a commission might issue to some persons to examine evidences and audite accounts in relation to the said case: whereupon commissioners were struck by the counsel of the parties in the usual manner, and a commission issued accordingly, directed to the several persons therein named and appointed, in the words following:

*Maryland, Sct.*—Frederick, absolute lord and proprietary of the province of Maryland, and Avalon, Lord Baron of Baltimore, &c.: To Dr. John Stevenson, Bryan Philpot of Baltimore county, Lancelot Jaques and George Clark of Ann Arundel county, gentlemen; greeting: Know ye, that we have nominated and appointed you, or any three or two of you to be our commissioners to examine evidence; as also to audite, state, settle and adjust all accounts in a certain cause depending in our High Court of Chancery, between Caleb Dorsey of Ann Arundel county, iron master, complainant, and Henrietta Maria Dulany, administratrix *de bonis non* of Edward Dorsey esq'r. of the same county, defendant: We therefore require you or any three or two of you, that at such time and place, as to you or any three or two of you shall seem convenient, you cause to come before you or any three or two of you all such evidences as shall be to you, or any three or two of you named or produced by either the complainant or defendant; and also to state, audite, settle, and adjust all accounts relating to the matter in dispute that shall be produced to you, or any three or two of you, by either of the parties, and that you examine them, and every of them, on their corporal oaths to be by you administered on the Holy Evangelists, in the presence of the said complainant and defendant, if they, having timely notice thereof, think fit to be present, touching their knowledge of any thing that may relate to the cause aforesaid; and that you reduce into writing such account as shall be stated and settled by you; and the same with the said depositions you send together with this our commission under your or any three or two of your hands and seals with all convenient speed to us in our High