

But the Chancellor has been authorized to appoint an auditor during his pleasure. (b) This auditor is the calculator and accountant

Court of Chancery. Witness ourself at the city of Annapolis, this 25th day of May, Anno Domini, 1763.

REVERDY GHISELIN, *Reg. Cur. Can.*

On the back of the foregoing commission was thus endorsed, *to wit*.—Baltimore county, October the 3d, 1763. Came the within named John Stevenson, Bryan Philpot, Lancelot Jacques, and Corbin Lee, before me the subscriber, one of his lordship's justices of the peace for Baltimore county, and severally made oath on the Holy Evangels, that they would well and truly audite, and state all such accounts as should be by the within parties respectively laid before them pursuant to the within commission, according to the best of their knowledge and understanding.

“To his Excellency Horatio Sharpe, esq'r, Chancellor of Maryland, &c.

“We the commissioners, within named, do hereby certify, that by virtue of the within commission to us directed we did, after being legally sworn thereto, and after the appointment, and due qualification of Mr. Daniel Chamier as our clerk and assistant therein, meet at the house of Mr. Daniel Barnet in Baltimore town, on the third day of October seventeen hundred and sixty-three, in the presence of Caleb Dorsey the within mentioned complainant, and Benjamin Beal of Annapolis, on the part and behalf of the within mentioned defendant, in order to adjust, audit, and settle all accounts relating to the matters in dispute between the said parties, and did there and then proceed to settle, adjust, and audite, and did there and then settle, audite and adjust in the presence of the said complainant, and the said Benjamin Beal, after hearing all the allegations of the said complainant, and the said Benjamin Beal, all accounts relating to the matters in dispute as aforesaid; which settlement appears by the annexed accmpt and vouchers, and which we humbly submit to the approbation of your excellency.”

After which the account referred to is entered at large, and then follows this decree.

14th February, 1764.—SHARPE, *Chancellor*.—It appearing to this court by the report made by John Stevenson, Bryan Philpot, and Lancelot Jacques, three of the four commissioners who, or three or two of whom were appointed to state, audite, settle, and adjust all accounts relating to the matters in dispute, that there is due to the said complainant Caleb Dorsey, six hundred and ninety-nine pounds ten shillings and four pence half-penny sterling, from the said defendant Henrietta Maria Dulany, as administratrix aforesaid, after deducting and discounting the bond and two promissory notes in the said defendant's answer mentioned, *to wit*, the bond of the said complainant to the aforesaid Edward Dorsey, dated the twenty-first day of February seventeen hundred and fifty-seven, conditioned for the payment of one hundred and fifty-six pounds nine shillings and eleven pence half penny, current money, at or upon the first day of April then next with legal interest, and the complainant's promissory notes to the said Edward Dorsey, one dated the fifteenth day of September seventeen hundred and fifty-seven, for sixty-two pounds two shillings and four pence sterling with legal interest, and the other dated the tenth day of October seventeen hundred and fifty-nine, for two hundred and fifty pounds and eleven shillings sterling with legal interest.

Whereupon this court doth think fit, and accordingly doth order and decree, that the said defendant Henrietta Maria Dulany, out of the goods, chattels, rights and credits which were of the aforesaid Edward Dorsey deceased at the time of his death, in her hands remaining to be administered, pay to the aforesaid Caleb Dorsey the said balance of six hundred and ninety-nine pounds, ten shillings and four pence half-penny sterling, and also that she deliver up to the said Caleb Dorsey, the said mentioned bond and two promissory notes to be by him cancelled, destroyed or otherwise disposed of as he shall think fit.—*Chan. Proc. Lib. D. D. No. J. 315.*

(b) 1785, ch. 72, s. 17.