

stances, as to which the court required information ; or where the

The plaintiffs put in a general replication to the answers of the defendants ; upon which a commission was issued, in the usual form, 'to examine evidences, and also to audit, state, settle and adjust all accounts,' between the parties. (*Clapham v. Thompson*, 1 *Bland*, 124, note. *Dorsey v. Dulany*, 1 *Bland*, 465, note.) Under which commission much testimony was taken : from which an account was stated ; as to all which the commissioners made report as follows :

'To his excellency, Thomas Bladen, Esq. Chancellor of Maryland—We humbly certify, that by virtue of the commission hereunto annexed, and to us directed, (having chosen Richard Burdus to be our clerk,) we met on several days and times, and proceeded to take the depositions of Messrs. John Lomas and Edward Dorsey to several interrogatories, to them severally administered, as by the same interrogatories and depositions hereunto annexed will appear.—And we further certify, that we have stated, audited, settled, and adjusted all such accounts as were, by either party, produced ; and have computed the interest on bonds, from the time of their administration granted, till payment of principal ; part of which interest we find paid, and the other part not paid, as by the first and second columns of the account A, hereunto annexed, appears ; and humbly submit it to your excellency, whether Mr. Woodward's estate ought to have the benefit of the interest received after administration granted, or the administratrix ; and whether the administratrix ought to be chargeable with interest, mentioned in the second column, when it does not appear to us, that any was received.

'And we find, that Edward Fottrell, and Achsa his wife, are chargeable for the personal estate and debts due to the said Amos Woodward, exclusive of the rum cargo, to the amount of £96 17s. 2d. £27 15s. 5d.—2732 pounds tobacco—£1367 7s. 11½d. gold—£815 19s. 1d. sterling—£2502 11s. 0¼d. paper money ; including the interest referred to your excellency's consideration, as by the said account marked A, hereunto annexed, may also appear ; and also are chargeable with several articles, to the amount of the sum of £1198 10s. 3d. which are to be returned in kind, as by the said account marked A, appears ; and also are chargeable for sundry debts due on the butcher's book, which is also included in the said account marked A, as by the account marked B, will appear.—And that they, the said Edward Fottrell and Achsa his wife, have paid sundry debts due from the said Woodward to sundry persons, which, we apprehend, ought to be deducted out of the total amount of the account marked A. amounting to 2246 pounds tobacco—£1133 2s. 0d. gold—£298 18s. 2d. sterling, as by the account marked C, hereunto annexed, may appear.

'And we further certify, that there are sundry debts, that appear to be due from sundry persons to the said Amos Woodward, as well on his ledger, as on his butcher's book, amounting in the whole to the sum of 600 pounds tobacco—4565 pounds tobacco—£780 7s. 3¼d. gold—£383 11s. 8¼d. sterling, and £78 6s. 5¼d. paper money, as by the accounts marked D and E, hereunto annexed, may also appear ; but does not appear to us to have been received either by the said Fottrell or his wife. All which is humbly submitted to your excellency, by Thomas Worthington, John Brice, Nicholas Maccubbin, John Bullen.'

At December court, 1746, the defendant Gale being dead, and the case as to him being abated, the defendant Chapman filed the following exceptions to the said report. *First*. That since the order for publication of the examinations and proceedings of the said commissioners it appears, that a certain John Lomas, and the aforesaid Edward Dorsey, were respectively examined, and have deposed to interrogatories filed on behalf of the complainants in the above cause ; and for that this exceptant had not any notice of the time and place of such intended examination,