

or proper. *Clapham v. Thompson*, 1 Bland, 124, note; *Dorsey v. Hammond*, 1 Bland, 465. It appears to have been always understood, as well settled, that a commission to audit accounts, clothed the commissioners with all the powers properly belonging to a master in Chancery, under a similar reference, by an order or decree to account; except that here, under a reference of a case to a master, by an order or decree, or to commissioners by a commission to account, the deposition of witnesses were never taken secretly, as

annexed a third schedule to this, my report, wherein I have stated the account according to the allowances, above mentioned, between the complainant and defendant; and struck the balance thereof, for the more ready inspection of the Court.—All which I humbly certify and submit to the judgment of this Honorable Court.—B. YOUNG, *Master in Chancery*.”

Upon motion, on the 28th of February, 1738, by the complainant's counsel it was prayed, that the said report might stand confirmed, and that the complainant might be allowed interest for the sum of money appearing by the said report to be due from the defendant to the complainant, from the 4th day of December, 1718, the time on which the complainant came to the age of twenty-one years, with his costs of this suit.

To which report the defendant, by his counsel, filed the following exceptions: This defendant excepts to the master's report, first, for that he hath allowed the complainant the quantity of tobacco, in the report mentioned, for lands lying in Anne Arundel County, which were quarters, seated at the death of the complainant's ancestor, whereon there was a stock of negroes, cattle, &c.; and were never tenanted, or rented out by the said complainant's ancestor, or the defendant—second, for that the master has allowed, at the rate of £20 gold, per annum, for the work of mulatto Ned, which is a sum much beyond what he ever did, or could earn—and for that the defendant was always ready to deliver the said Ned to the complainant, if he would have indemnified him therein—third, for that the master hath not allowed to him the quantity of tobacco, by him charged, for the service of two negro men, which the complainant had the possession and use of for above five years; and who were, all that time, at the risk of the defendant—and fourth, because the master has allowed the complainant the quantity of tobacco, mentioned in the report, for the lands lying in Saint Mary's County, without having, as this defendant is advised, proper evidence to justify such allowance.

OGLE, C., 28th February, 1738.—Upon debating the said exceptions, and hearing what was alleged by the counsel on both sides, it is

Decreed, that the said exceptions are insufficient; and therefore overruled; and that the said report, and all the matters and things therein contained, do stand ratified and confirmed, by the order, authority and decree of this Court; to be observed and performed by all parties, according to the tenor and true meaning thereof. And it is hereby further Decreed, that the defendant pay to the complainant the legal interest, in sterling and gold currency, of £97 10s. 6d. gold currency, and £123 0s. 7½d. sterling, reported to be due to the complainant from the defendant, as aforesaid, to be computed from the said 4th day of December, 1718, the time of the complainant's being at the age of twenty-one years: and also, that the defendant pay to the complainant the costs of suit in this cause by him, in this Court, laid out and expended.—*Chancery Proceedings, lib. J. R. No. 4, fol. 1 to 57.*