

and skill in accounts to be auditor for the Court of Chancery; and has also declared, that all accounts directed by the Chancellor to be stated, shall be referred for such purpose to the auditor, who shall have authority to administer an oath to all witnesses, and persons proper to be examined upon such account; and shall state such accounts agreeably to the order of the Chancellor, and return the same, to be done with as the Chancellor shall think just. 1785, ch. 72, s. 17; *Raclings v. Stewart*, 1 *Bland*, 22, note; *Clapham v. Thompson*, 1 *Bland*, 124, note; *Bryson v. Petty*, 1 *Bland*, 182, note; *Dorsey v. Dulany*, 1 *Bland*, 465, note; *Cox v. Callahan*, ante 46, note.

But there is nothing in that, or in any other legislative enactment which either expressly, or virtually withholds from the auditor any other authority which necessarily, or properly belongs to his office; or which abrogates any powers or duties which had been assigned to masters in Chancery, to commissioners to audit accounts to an auditor, or to any other similar officer, whose assistance the Chancellor had found to be useful, or indispensably necessary to the proper exercise of his jurisdiction. Consequently, * this legislative enactment, so far as it goes, can only be regarded **75** as an affirmation of the pre-existing powers of the Chancellor.

Note (p) concluded.

the sum of £497 5s. 7½d. common money, the balance due to the complainant, on the first day of January, 1759, appearing by the account taken and returned in this cause, together with legal interest on £389 5s. 0¼d. part thereof, which part is in no sort constituted of interest, from the said first day of January, 1759, until the time of settling the said account, to wit, the 16th day of February, 1773; and also with interest on the said sum of £497 5s. 7½d. from the said 16th day of February, 1773, until such time as the same shall be paid and satisfied.

And further, that the defendant Levin Wilson, administrator aforesaid, pay and satisfy to the complainant Thomas Sloss, the further sum of £323 10s. 3½d. sterling; and 683½ pounds of tobacco, being the sum of money and tobacco paid by the complainant, according to the order of this Court, made on the 20th day of February, 1767, to the aforesaid William McIlvane, with interest on the said sum of sterling money and tobacco, from the first day of July, 1767, the time when the same was paid by the complainant, until the same shall be again paid to him.

And further, that the defendant, as administrator aforesaid, pay to the complainant all costs expended by him in this suit, as well as all costs expended by him in the action formerly depending in the Provincial Court, mentioned in the said former order; and the plaintiffs' and defendant's costs of the action brought, in Somerset County Court, by Thomas Dasheall, against this complainant for fees on the execution issued on the judgment obtained at law, by the said William McIlvane against the complainant.

And because it does not appear to this Court, that the defendant Levin Wilson, as administrator aforesaid, hath any assets in his hands wherewith to satisfy this decree, it is Ordered, that the same be paid and satisfied out of any assets which may hereafter come to the hands of the defendant, to be administered.—*Chancery Proceedings, lib. W. K. No. 1, fol. 166 to 209.*