

And this Court has, in many cases, since the passage of that law, assumed the position, that it was in fact nothing more, so far as it went, than an affirmance of its pre-existing powers; it has, where occasion required, issued a commission to audit accounts; it has referred cases to persons with directions to perform duties properly belonging to a master in Chancery or auditor, considering them as special auditors; and it has, in various instances, treated the auditor as a standing officer of the Court, clothed with powers analogous to those of a master in Chancery in England; and with all such powers as had been formerly understood to belong to a master in Chancery here. (r)

In fine, deeming it to be entirely within the legitimate scope of the auditor's powers to make any inquiry, to take testimony, to state any account, or to frame any statement which may be necessary or proper to enable the Court correctly to dispose of any case in which it has the power to grant relief, I shall send this case to the auditor, with such instructions accordingly.

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(r) MAIDWELL v. GRIFFITH—ROGERS, C., 1787.—Ordered, that John Weatherburne be appointed auditor, to make, state, and take an account between the parties to this suit.—*Chancery Proceedings, lib. S. H. H. lett. B, fol. 32.*

KERR v. RAWLINGS—HANSON, C., December, 1789.—An account having been heretofore decreed, and the complainant's counsel having applied to the Court for instructions to the auditor in stating it; and several points relative thereto, having been debated: the Chancellor is of opinion that, &c. &c. that the account to be stated agreeably to the instructions, be open to the exceptions of either party.

The auditor reported an account accordingly, to which exceptions were filed which were decided upon in the final decree.—*Chancery Proceedings, lib. E, fol. 311.*

TOWERS v. HANNAN—KILTY, C., 5th May, 1807.—Decreed, as to the part of the said bill praying for a conveyance, that the defendant J. Hannan, do by a good and sufficient deed, executed, acknowledged and delivered according to law, convey to the complainant E. Towers, the premises, in the proceedings mentioned, to wit, a lot and dwelling house in the City of Baltimore, situate in Albemarle street, being part of a lot, number 326, containing 20 feet in front, and 40 feet in depth, with all and singular the appurtenances and privileges thereto belonging. To have and to hold the same from the date of this decree; and during the term of the natural life of the said E. Towers. And it is further Decreed, that the said E. Towers have possession of the said house and lot, with the appurtenances and privileges aforesaid.

And it is further Decreed, as to the part of the bill praying for an account, that the defendant J. Hannan, account with the complainant for the rents and profits of the said lot, during the time of his possession thereof, under the judgment in the ejectment aforesaid; and that an account be taken by the auditor of this Court, of the said rents and profits on the evidence in the cause, and such other evidence as the parties may produce to him; subject to the exceptions of either party; and to the further order of this Court, and to its final decree thereon. The parties respectively to pay their own costs—M. S. affirmed on appeal.