

But in the course of the argument, the one party seemed to construe this order as a total revocation of the decree of the 4th of

Thompson, and Ann McDonald—it is ordered by the Chancellor, according to the prayer of the said bill, that the sales of the property of the said Josias Clapham and Mary Carey, taken by the sheriff of Frederick county, by virtue of a *feri facias* issued from this court in the names of Cornelius Thompson, John Thompson, Angus McDonald and Ann his wife, against the lands and chattels of the said Josias Clapham and Mary Carey, and advertised for sale on the twenty-fifth instant, be stayed; and that the sheriff of Frederick county forbear and desist from making any sale of the said property, or any part thereof, until further order of the Chancery Court. And it is further ordered, that the depositions of witnesses, taken before a single magistrate, be received in evidence in this cause, upon giving five days' notice to the adverse party.

Some time after which, the depositions of sundry witnesses having been taken, the case was again brought before the court.

June, 1789.—ROGERS, Chancellor.—Ordered, that an account be stated and taken between the parties; and that commission issue to Randolph B. Latimer and Robert Denny, as auditors, to state and take the said account; and that the said auditors apply to this court for instructions in adjusting the said account, as occasion may require.*

And the cause so standing continued until December court, seventeen hundred and eighty-nine, a commission issued to the said auditors to state, settle, and adjust the said account. The commission, with certain annexed accounts, were afterwards returned to the court here, and are contained in the words and figures following, to wit:—

“*Maryland, scilicet.*—The State of Maryland to Randolph B. Latimer and Robert Denny, Esquires, of Ann Arundel county, Greeting:—Know ye, that we have appointed you to be our commissioners to audite, state, settle, and adjust all accounts in a certain cause depending in our Court of Chancery, between Josias Clapham and Mary Carey, complainants, and Cornelius Thompson, John Thompson, and Anne McDonald, defendants: We therefore require you to state, audite, settle and adjust all accounts relating to the matters in dispute that shall be produced to you, by either of the parties; and that you reduce to writing such accounts as shall be stated and settled by you, and the same you send, together with this our commission, under your hands and seals, with all convenient speed, to our High Court of Chancery.—Witness the Honourable ALEXANDER CONTEE HANSON, Esq., Chancellor, this second day of February, Anno Domini 1790.

SAMUEL H. HOWARD, *Reg. Cur. Can.*

Under and with this commission, the auditors stated and returned an account. And the cause so standing continued until May court, one thousand seven hundred and ninety, it was ordered that the following entry be made, to wit:—Notice of motion to confirm the auditors' return, and dissolve the injunction *nisi* the thirteenth day of July next.

After which, there being no exceptions filed to the auditors' return, on the 17th August, 1790, decreed, that the auditors' return be confirmed; that the *injunction order* be dissolved; and that the defendants be permitted to proceed on their *feri facias* for a certain amount.—*Chancery Proceedings, Letter D., 1790, pages 424, 433.*

* In cases of payments made in bills of credit, it was declared, that the Chancellor might appoint his register or other person to state and adjust the claims, and to strike the balance. June, 1780, ch. 8, s. 17.