

below should be affirmed, here as in England, the appellate court may, according to the express provisions, and the spirit of several

commissioners being named and struck, a commission in the usual form, (1 Bland 124, 465,) issued accordingly to James Maccubbin, Robert Swan, Thomas Sprigg, and William Chapman, who made the following report.

To his Excellency Horatio Sharpe, Esquire, Chancellor of Maryland. We humbly certify, that by virtue of a commission issued out of his Lordship's High Court of Chancery to us, and Thomas Sprigg, and William Chapman directed, to state, settle, audit, and adjust all accounts relating to the matter in dispute, in the said court, depending between George Atkinson, executor of Christopher Grindall, mariner, deceased, complainant, and John Hall defendant; we met at the house of Mrs. Catharine Jennings, in Annapolis, known by the sign of the Bunch of Grapes, on the 29th day of May instant; where the said John Hall, or any person for him, did not appear, although affidavit was legally made of his, the said John Hall's having had due notice of the time and place of meeting. And thereupon, the said George Atkinson, in his capacity as aforesaid, produced unto us a mortgage deed from the said John Hall, the defendant, to Christopher Grindall, in his life-time, dated the 15th day of August, 1746, which said mortgage appears to us to have been duly signed, acknowledged, and recorded, a copy whereof is hereunto annexed, whereby it appears to us, that there is now due on the same mortgage the principal sum of £263 0s. 4d. sterling, and for seven years and nine months interest to the date above mentioned, allowing the deduction for alteration of the style £122 5s. 9d. sterling, which, in the whole, amounts to £385 6s. 1d. sterling. All which is humbly submitted to your Excellency by J. Maccubbin, Rob. Swan.

29th October, 1755.—SHARPE, Chancellor.—It appearing by a report made by commissioners appointed to state and settle the accounts between the parties in this cause, there was due to the complainant's testator, on the twenty-ninth of May instant, the sum of £385 6s. 1d. sterling, for principal and interest upon the sum advanced on the said mortgaged premises; and that from the said 29th day of May until the 29th day of October, being the day of passing this decree, there is due to the complainant's testator the sum of £9 12s. 7d., being for five months interest on the aforementioned sum of £385 6s. 1d.; which, in the whole, amounts to £394 18s. 8d. It is, therefore, Ordered, adjudged, and decreed, that, in case the defendant doth not, on or before the 29th day of April next, pay unto the complainant the said sum of £394 18s. 8d. sterling, with lawful interest for the same, and also the costs expended by the complainant in this suit, the said defendant and all claiming by, from, or under him, shall be ever, and they are hereby from thenceforth, debarred and foreclosed of all manner of equity of redemption or reclaim, in and to the said mortgaged premises; and that the estate in the said premises be free and absolute of and from all redemption and equity, and power of redemption of, in, or by the said defendant, his heirs or assigns, or any person or persons claiming by, from, or under him or them.—*Chancery Proceedings, lib. S. R. No. 5, fol. 1236.*

PATTISON v. FRAZIER.—This bill was filed on the 23d of April, 1791, by James Pattison, one of the creditors of Alexander Frazier, late of Calvert county, deceased, in behalf of himself and the other creditors, against John Alexander Frazier. It alleges, that Alexander Frazier, deceased, was indebted to the plaintiff in the quantity of 108,000 lbs. of crop tobacco, and in the sum of £350 15s. 3d.; for the payment of which, with interest, he gave his bond on the 3d of January, 1788; and also in the further quantity of 12,940 lbs. of crop tobacco, and in the sum of £341 5s. 9d., on open account. And being so indebted to this plaintiff and to several