issued, and served on the said *Gilbert Murdock*, and acting as his agents, and with his consent, secretly and with great haste con-

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which do not appear to have been entered on the complainant's books; they appear to be accounts against E. and S. Norwood; but how far the complainant was concerned in the whole of the said debts, the auditor cannot say. The balance due the complainant, on this account, including interest to this day, amounted to £68 18s. 2d. That account No. 4, was the complainant's proportion of ferriages from the 6th of September, 1795, to the 23d of June, 1796, with interest thereon to this day, amounting to £164 9s. 2d. That account No. 5, was a further account of ferriages from the 1st of November, 1796, when the defendant moved the ferry-boat, &c. from the old ferry to the new ferry erected on his own landing, amounting to £554 1s. 5d. exclusive of interest.

25th May, 1799.—HANSON, *Chancellor*.—On the complainant's motion it is *Ordered*, that the auditor's report and the accounts by him stated in this cause, shall be approved, ratified, and confirmed; unless exceptions thereto be filed on or before the 1st day of August next; provided a copy of this order be served on the defendant before the 5th day of July next.

On the 27th of July, 1799, the defendant filed exceptions to the auditor's report; *first*, for that the account, No. 1, was not an account settled, or acquiesced in by the complainant or defendant, and is erroneous and unjust; and was so proved by the said Zachariah M'Cubbin, particularly in the item of £400, charged by the defendant for difference of soil, &c. which was the whole difference of soil, &c.; and one-half whereof only ought to have been charged to the defendant. *Second*, for that the auditor had no proof of the account of ferriages received and charged to the defendants, but written accounts of the complainant's, and which were in no wise authenticated. *Third*, for that the auditor had not made allowances to the defendant which he was entitled to, and which were specified in the account filed by him.

1st August, 1799.—HANSON, *Chancellor*.—On complainant's motion, *Ordered*, that the defendant's exceptions be heard on the first week in the following term; provided a copy of this order be served on the defendant, or his solicitor, at any time during the present month.

A copy of this order having been served, the matter was submitted for determination.

14th October, 1799.—HANSON, *Chancellor*.—The order passed on the first day of August last having been duly served, and no argument being offered on the defendant's part, and there being a submission on the part of the complainants, the Chancellor considered the exceptions of the defendants; and it is adjudged and *Ordered*, that the same be overruled, and that the report of the auditor, and the accounts by him stated, be approved, ratified, and confirmed.

This order having been passed upon a submission of the matter, made under a misapprehension as was alleged, the case was again brought before the court.

5th November, 1799.—HANSON, *Chancellor*.—The complainant's counsel having admitted that it had been understood between him and the counsel of the defendant, that the argument on the exceptions, which had been appointed to take place during the first week of this term should be postponed; and that in consequence thereof the said defendant's counsel had failed to attend at the appointed time; and the Chancellor having, on the idea of the said counsel's abandoning the exceptions, which were not sufficiently pointed and particular, passed an order ratifying the auditor's