

master to examine evidences more fully to illustrate its nature, or to supply some defect in the proofs. (a) A case might be referred to a master to state any account between the parties, or to make any inquiry or statement, deemed necessary by the court, in relation to which he was authorized, as in England, to call before him and examine witnesses upon oath; a case might be referred by a special order to persons therein named, as a kind of special masters, who were thereby virtually clothed with the authority of a master. (b) But owing, as it would seem, to the generally

the examiner and master of this court, as well as in causes wherein no commissions have issued, saving to the parties, in all cases, the liberty of examining any witness or witnesses, who, by reason of age or infirmity cannot attend the examiner, in order to be examined, as if this rule had not been made.'

'October, 1735.—Ruled and ordered, that in all causes which are now, and shall be hereafter referred to the examiner for the examination of witnesses; publication of the depositions do pass, within six months from the court wherein such reference is made; unless an order be made for enlarging publication to any particular time; and if no depositions be taken on either side within the six months, then hearing to be on bill and answer the next court after.'—*Chancery Proceedings, lib. J. R. No. 2, fol. 649, 681.*

(a) *The PROPRIETARY v. BORDLEY.*—December, 1735.—Information, Hammond's plea, demurrer and answer; Jening's plea, demurrer, and answer; Donaldson's, Duff's, Alexander's, and Cuming's special replication filed to the said answers. General replication and rejoinder: Gordon's and Bullen's answer, Bordley's answer, McCleod's answer.

OGLE, *Chancellor.*—Ordered, that warrant of resurvey issue at the instance of the defendants directed to Mr. Henry Ridgely, and that the said warrant be returned by next court. Upon motion, Ordered, warrant of resurvey issue directed to Mr. Henry Ridgely and William Cromwell, or either of them; and that either party give the other notice of executing the said warrant.

May, 1736.—Replication to Bordley's answer filed; warrant of resurvey returned; William Cuming on behalf of himself, and as counsel for sundry defendants in this cause, prays leave to except to the return of the warrant of resurvey, directed to Henry Ridgely, with the plot of the complainant's pretensions, because, that the surveyor did proceed to lay out and plot the lands before there was any proof of the bounds.

OGLE, *Chancellor.*—The motion being considered, this court doth declare, that the above is not any good exception to the return made by the said Ridgely. Referred to the master to examine evidences.

October, 1736.—William Cuming, Esq. on behalf of himself, and as attorney of William Alexander and James Donaldson, who all claim under a purchase from Kingsmill Eyre, the devisee of governor Nicholson, part of the land in dispute, by the name of the Vineyard, prays, that he may have leave to return a plot of the said land called the Vineyard, with their pretensions thereto; which is granted accordingly.'—*Chancery Proceedings, lib. J. R. No. 2, fol. 684, 720, 759, 769.*

(b) *CHESELDINE v. GORDON, post.*

*PARKER v. MACKALL.*—This bill was filed on the 20th of January, 1734, by