

a commission to audit accounts, clothed the commissioners with all the powers properly belonging to a master in Chancery, under a similar reference, by an order or decree to account; except that here, under a reference of a case to a master, by an order or decree, or to commissioners by a commission to account, the depositions of witnesses were never taken secretly, as before a master in *England*, or as formerly here, under an ordinary commission to examine evidences; but always, as now, after notice to the parties, the witnesses were examined publicly in the presence of the parties, if they chose to attend. And testimony might be so taken after publication had passed, as to the depositions of witnesses taken under an ordinary commission. (*d*) It appears to have

for that the defendant was always ready to deliver the said Ned to the complainant, if he would have indemnified him therein—*third*, for that the master hath not allowed to him the quantity of tobacco, by him charged, for the service of two negro men, which the complainant had the possession and use of for above five years; and who were, all that time, at the risk of the defendant—and *fourth*, because the master has allowed the complainant the quantity of tobacco, mentioned in the report, for the lands lying in Saint Mary's county, without having, as this defendant is advised, proper evidence to justify such allowance.

28th February, 1738.—OGLE, *Chancellor*.—Upon debating the said exceptions, and hearing what was alleged by counsel on both sides, it is

*Decreed*, that the said exceptions are insufficient; and therefore over-ruled; and that the said report, and all the matters and things therein contained, do stand ratified and confirmed, by the order, authority and decree of this court, to be observed and performed by all parties, according to the tenor and true meaning thereof. And it is hereby further *Decreed*, that the defendant pay to the complainant the legal interest, in sterling and gold currency, of £97 10s. 6d. gold currency, and £123 0s. 7½d. sterling, reported to be due to the complainant from the defendant, as aforesaid, to be computed from the said 4th day of December, 1718, the time of the complainant's being at the age of twenty-one years: and also, that the defendant pay to the complainant the costs of suit in this cause by him, in this court, laid out and expended. *Chancery Proceedings, lib. J. R. No. 4, fol. 1 to 57.*

(*d*) WOODWARD v. CHAPMAN.—This bill was filed, on the 4th of December, 1742, by Henry Woodward, an infant, by Edward Dorsey, his guardian, and Mary, Elizabeth, and Eleanor Woodward, infants, by Richard Dorsey, their next friend, against Levin Gale and William Chapman. The bill stated, that the plaintiff's father, Amos Woodward, died on the 16th of March, 1734, intestate, leaving a very large personal estate, consisting of negroes, ready money, plate, rings, a sea vessel, which had after his death, been sent to Barbadoes, brought a return cargo of rum, &c. Besides which, the intestate had left *choses in action*, and other goods and chattels of very considerable value, sufficient to pay all his debts, with a great surplus. That administration of the intestate's estate, had been granted to his widow, Achsa Woodward, the mother of the plaintiffs: that the negroes, belonging to the estate of the intestate, Amos, the year he died, made a large crop of corn, tobacco, and other things; which the administratrix, Achsa, never accounted for; but converted to her own use; that she, accordingly, had taken possession of the intestate's estate,