

master, of a special master, and of commissioners to account were

indebted to him in the sum of £300 current money, or upwards, or the value thereof, which he cannot now exactly ascertain; and that the said defendants are merchants of Philadelphia, and intend, or one of them intends, as this deponent believes, soon to be in this province about business; but that, in a very little time, they will again leave and depart this province, and again return to Philadelphia; and likewise that he doth believe the recovery of the said debt will be very precarious, unless they are stayed by a *ne exeat provinciam*.—Sworn to this 16th day of May, 1760, before John Bullen.’

‘Whereupon, accordingly issued *ne exeats* and *subpœnas* against the aforesaid William and David McIlvane to appear and answer the bill aforesaid—and the said cause standing so continued until April court, 1762. It was then *Ordered*, that a commission issue, directed to Messrs. William Sword, William Humphreys, William Murray, and Andrew Eliot, merchants in Philadelphia, to take the answer of the said defendants William and David McIlvane, to the aforesaid bill of complaint of Thomas Sloss, complainant, which issued accordingly.’

The defendants having answered, and the parties being at issue; a commission was issued to examine evidences in the then usual form, requiring the commissioners to cause notice to be given to the parties, or their attorneys, of the execution of the commission: and after they had taken the depositions, to ‘send the same, together with this our commission *close*, under your, or any three, or two of your hands and seals to us in our High Court of Chancery,’ &c. After which, the case was brought before the court.

February, 1770.—EDEN, *Chancellor*.—It is *Decreed*, that the defendant do pay to the plaintiff what, on account to be taken, shall appear to be due; and, in order that the same may be settled and liquidated, that commission do issue to Messrs. John Davidson, Thomas Harwood, Thomas B. Hodgkin and Thomas Hyde. And, as touching and concerning the claim or charge of commission, or allowance, in the complainant’s bill mentioned; it is by the court, *Ordered* and directed, that the same, or any part thereof, be not admitted; and as touching or concerning any other matter or thing, in taking the said account, liberty is granted, should occasion require, to apply, from time to time, for the further order and direction of the court, as well on the part of the complainant as of the defendant.

This case having abated, by the death of the defendant, who was the surviving partner, a bill of revivor was filed against Levin Wilson, his administrator, who filed his answer thereto, sworn to before a justice of the peace.

‘Whereupon, it is *Ordered*, by his excellency, the *Chancellor*, that the proceedings in the cause shall stand and be revived; and that the commissioners, heretofore appointed by this court to state and liquidate the accounts between the parties, proceed in stating and liquidating the same.’

The commissioners stated and reported an account accordingly, and the case was brought before the court for a final decree.

18th May, 1773.—EDEN, *Chancellor*.—*Decreed*, that the defendant Levin Wilson, as administrator aforesaid, pay and satisfy to the complainant Thomas Sloss, the sum of £497 5s. 7½d. common money, the balance due to the complainant, on the first day of January, 1759, appearing by the account taken and returned in this cause, together with legal interest on £389 5s. 0½d. part thereof, which part is in no sort constituted of interest, from the said first day of January, 1759, until the time of settling the said account, *to wit*, the 16th day of February, 1773; and also with