

of the regular auditor of said court, and such special auditor shall in all cases, before acting as such, take the oath prescribed to be taken by the regular auditor.

*Where the decree directs a special auditor to take the oath before proceeding to act, it must appear in his report that he took the oath accordingly. *Walker v. House*, 4 Md. Ch. 40.

There is nothing in this section which withholds from the auditor any other authority which necessarily or properly belongs to his office, or which abrogates powers or duties assigned to masters in chancery or commissioners. This section is only an affirmation of the pre-existing powers of the chancellor. Scope of an auditor's duties. *Towshend v. Duncan*, 2 Bl. 45; *Robinson v. Townshend*, 3 G. & J. 418.

The auditor is a ministerial officer of the court; character and nature of his duties. His fees are part of the costs, and payment may be enforced as such. *Dorsey v. Hammond*, 1 Bl. 463. And see *Winder v. Diffenderfer*, 2 Bl. 166.

The auditor may summons witnesses, and the court will compel their attendance. *Hammond v. Hammond*, 2 Bl. 306.

1904, art. 16, sec. 19. 1888, art. 16, sec. 19. 1860, art. 16, sec. 19.
1785, ch. 72, sec. 17. 1840, ch. 109, sec. 7.

20. The auditor shall be allowed four dollars and fifty cents per day for every day he shall be reasonably employed in stating, auditing and settling any account, to be paid by the party desiring such accounts to be stated, audited and settled, and taxed in the bill of costs of the party for whom the decree may pass in the cause.

In a creditors' suit, the expense of the auditor's account is in general borne by the estate. *Simmons v. Tongue*, 3 Bl. 360.

See notes to sec. 19.

Ibid. sec. 20. 1888, art. 16, sec. 20. Rule 53.

21. Whenever a reference of any matter is made to the auditor for examination and report thereof, or for the statement of an account, the party at whose instance the reference is made, shall, within a reasonable time, and without any unnecessary delay, cause the matter of reference to be laid before the auditor for his action; and if such party shall omit to do so, any other party interested in the subject-matter of the reference shall be at liberty to cause the matter to be laid before the auditor, who shall proceed therein without delay.

Ibid. sec. 21. 1888, art. 16, sec. 21. Rule 54.

22. Upon every such reference it shall be the duty of the auditor, as soon as he reasonably can, after the matter of the reference is brought before him, if evidence is to be produced, or vouchers filed, to assign a time and place for proceeding in the matter, and to give notice thereof to the parties or their solicitors; and if either party shall fail to attend at the time and place appointed, the auditor shall be at liberty to proceed in the absence of such party, or, in his discretion, to adjourn the examination and proceeding to a future day, giving notice thereof to the parties or their solicitors, but noting all the cost that may attend

*No attempt is here made to annotate the cases bearing upon the statement and ratification of auditor's reports and accounts—see Brantley's Digest.