

assigned to masters in chancery or commissioners. This section is only an affirmance of the pre-existing powers of the chancellor. Scope of an auditor's duties. *Townshend 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; 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.

Distribution by receiver of building association should not be approved without order of court auditor. *Mendelis v. Building & Loan Assn.*, 168 Md. 488.

An. Code, 1924, sec. 20. 1912, sec. 20. 1904, sec. 19. 1888, sec. 19. 1785, ch. 72, sec. 17. 1840, ch. 109, sec. 7.

21. 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. 20.

An. Code, 1924, sec. 21. 1912, sec. 21. 1904, sec. 20. 1888, sec. 20. Rule 51.

22. 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.

See notes to sec. 20.

An. Code, 1924, sec. 22. 1912, sec. 22. 1904, sec. 21. 1888, sec. 21. Rule 52.

23. 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 such adjournment, which shall be subject to the order and direction of the court. It shall be the duty of the auditor to proceed with all reasonable diligence in every such reference, and with the least practicable delay; and either party shall be at liberty to apply to the court or a judge thereof for an order to the auditor to speed the proceedings before him, and to make his report, and to certify to the court the reasons for any delay that may have occurred.

See notes to sec. 20.

An. Code, 1924, sec. 23. 1912, sec. 23. 1904, sec. 22. 1888, sec. 22. Rule 53.

24. The auditor shall regulate all the proceedings in every hearing or examination before him; and in addition to his right and power to examine the parties to the cause, and all witnesses produced by them, or which they may cause to be summoned, on oath or affirmation touching the matters of the reference, he shall also have power and authority to require the produc-