of a certain Amos Gaither on account of said Gaithers Bond to said Testator which said Bond is now in the possession of said complainant as this Defendant has been informed by this complainant, also said complainant was indebted to said Testator as security to a bond given by Richard Hall to said Testator

That this Defendant further states, that although this complainant now denieth the propriety of the debt due from the complainant - yet he did acknowledge the payment thereof to the defendant at the time that this defendant obtained judgment against said complainant in the General Court as stated in the separate answer of this defendant to the bill of complaint.

That this Defendant further states that the sum claimed by the said complainant against the defendant as pr. account marked A.B. is not just and that it ought not in equity to be considered as any part of said Bill, as stated in the separate answer of said defendant, all which is submitted to the consideration of the Chancellor.

John Worthington

Anne Arundel County, towit,

On the 10th. day of October 1801 appeared John Worthington before me the subscriber one of the justices of the peace for the County aforesaid and made oath that the facts in the aforegoing answer are true to the best of his recollection and belief.

James Wm. Cubbin

And at October Term 1802. the parties entered into the two following agreements (insert them)

Bicknell & others
vs
Worthington & others
} In Chancery. 6th. Septr. 1802.

It is agreed that a commission issue to Archibald Henderson, William Alexander, Thomas Carson and Evan Alexander Esquires of North Carolina or any two of them, to take the testimony in the above cause

Richd. Ridgely for Deft.
Jnc. Johnson for Compt.

Bicknell & others
a
John Worthington
& others
} In Chancery October Term. 1802.

It is agreed in this cause that commission issue to Robert Denny Esquire to take testimony in the cause.

John Johnson for Compt.
Richard Ridgely for Deft.

Whereupon commission issued to the persons therein named in the words following (insert Commission)

Maryland ss.

The State of Maryland to Messrs. Archibald Henderson, William Alexander, Thomas Carson and Evan Alexander Esquires of the State of North Carolina Greeting

Know ye, that we have appointed you, or any three or two of you, to be our Commissioners, to examine Evidences in a cause depending in our high Court of Chancery between Thomas Bicknell, Robert S. Smith and Edward Hall complainants, and John Worthington surviving Exor of Brice defendant. We therefore require you, or any three or two of you, having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint a clerk to attend the execution of this Commission; that at such time and place as to you, or any three or two of you shall seem convenient, you cause to come before you or any three or two of you, all such Evidences as shall be named and produced to you, or any three or two of you, by either the Plaintiffs or Defendant; and that you or any three or two of you, examine them or their Corporal oaths, to be by you, or any three or two of you administered, upon the Holy Evangels of Almighty God, touching their Knowledge or Remembrance of any thing that may relate to the cause aforesaid; and that you, or any three or two of you, cause notice to be given to the parties or their attorneys, of the execution of this commission; before you execute the same, and having reduced the depositions of the witnesses so taken by you, into writing, you send the same 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, with all convenient speed.