public sale, after having advertised the same in pursuance of the decree of this Court when the said lands and real estate, were bona fide purchased by this respondent at and for the sum of five hundred and fifty or sixty Dollars and this respondent gave his Bond for the payment of the purchase money with interest to the said Trustee, with Matilda Hatton and Semima Hatton, as his sureties that the said bond with the security aforesaid was received by the Trustee that this respondent in virtue of a written authority from the said Trustee took possession of the said lands in eighteen hundred and thirty eight, after he had bonded for the same, and continued in possession of the said lands until he sold the same to Peter D. Hatton who has been in possession of the said lands ever since (and who ought to have been made a party to the said petition as this respondent is advised and insists) that the said lands have improved in value since said sale- That this respondent does not know why the said Trustee did not in his life time report said sale as this respondent was anxious he should do that the security given by this respondent is good and sufficient for the payment of the purchase money, and this respondent was told by the said Trustee in his lifetime that he handed the bond of this respondent given as aforesaid for the purchase money to the said petitioner and had settled with him.-

This respondent in conclusion prays that a trustee may be appointed by the Court to complete the trust, and to carry into effect the decree of the Court, and that he be directed to report the sale made as aforesaid by the former Trustee to this respondent that the said sale may be ratified, and the Trustee to be appointed to be invested with power and authority to convey the said lands to this respondent or to the said Peter D. Hatton in fee simple upon the payment of the purchase money and interest- This respondent further states that th' he has contracted to sell the said lands to the said Peter D. Hatton, the said Peter has not paid him for the same as this respondent could not as yet give him a title to the said lands.-

C. C. Magruder, Solr. for respondent.

On this 22d. Octr. 1841, personally appears Joseph Hatton before me the subscriber a Justice of the peace in and for Prince George's County, and makes oath on the Holy Evangely of Almighty God, to the truth of the matters stated in the aforegoing answer, to the best of his knowledge and belief.- Sworn to before.- Geo. W. Wilson, Justice Peace.-

And the said Henry D. Hatton, Jr. and Mary C. his wife come and say that the matters and things contained in the said answer of the said Joseph Hatton, as the same are therein alleged stated and set forth are not true.-

And thereupon the Court pass the following order in the premises- "Ordered by the Court this 27th day of Octr. 1841, that a commission by consent of parties be issued in this case to Daniel C. Digges with authority to take proof, in the usual manner said commission to be returned to the next Equity Term of this Court- Edmund Key.-

Afterwards to wit, on the twenty eighth day of December in the year of our Lord one thousand eight hundred and forty one the commission in pursuance of the above order issued to the said Daniel

C. Digges and which is as follows to wit:

"Prince Georges County Set - The State of Maryland to Daniel C. Digges of said County gentleman Greeting: Be it known that you (Seal) are appointed commissioner to examine evidences in a cause depending in Prince George's County Court as a Court of Equity between Henry D. Hatton, Jr. and Mary C. his wife petitioners and Joseph Hatton respondent therefore you are requested (having first taken the oath hereunto annexed, and also administered the annexed oath to the person whom you shall appoint as clerk to attend the execution of this commission, (that at such time and place as to you shall seem convenient, you cause to come before you all such evidences as shall be made or produced to you either by the said petitioners or respondent; and that you examine them upon their corporal oaths to be by you administered, on the Holy Evangelist of Almighty God touching their knowledge or remembrance of anything that may relate to the cause aforesaid; and that you cause notice to be given to the parties or their attornies 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 commission, closed under your hand and seal to the said County Court with all convenient speed- Witness the Honourable John Stephen, Chief Judge of the first Judicial District of Maryland the 20th day of October 1841- Issued the 28th day of December 1841.- Jno. B. Brooke, Clerk.-

(W. H. T. for petrs.
(C. C. M. for Respt.)

Commissioner's Oath:- You shall according to the best of your skill and knowledge truly faithfully and without partiality to any or either of the parties in this cause take the examinations and depositions of all and every witness or witnesses produced and examined by virtue of the commission hereunto annexed upon the interrogatories now, or which may hereafter before the said commission is closed, be produced to, and left with you by either of the said parties so help you God.-

Clerk's Oath:- You shall truly faithfully and without partiality to any or either of the parties in this cause, take write down and transcribe the depositions of all and every the witness or witnesses produced and examined by the Commissioner named in the commission hereunto annexed so far forth as you are directed or imployed by the said commissioner to take write down and transcribe the said depositions or any of them- So help you God.-

Mem: By the terms of the order authorizing this commission to issue it is to be returned by the 2d- Monday in Jany. 1842.-

Jno. B. Brooke, Clerk

Thereupon this cause was further continued by order of the Court here until the second Monday of January next.- At which mentioned second Monday of January being the tenth day of the same