charges for the same reason which was given by the Chancellor, but the judgment of said Court of Appeals was not rendered until the day of March 1845 and the written opinion of the said Court not filed until at December Term 1845. Your Oratrix therefore sheweth and charges that she has been guilty of no laches in seeking to recover the said sum of Five thousand dollars, but that she has for a series of years diligently and zealously prosecuted the same, which prosecution was rendered unavailing by the unexpected death of the tenant for life for said Myrtle Grove as aforesaid and by the opinion of the Court of Appeals upon a much litigated and difficult question and your Oratrix relies upon such prosecution of her rights in the premises as sufficient to remove all objection of stale ness to her present claim and as conclusive to show that she has never abandoned her rights. Your Oratrix further sheweth that since that rendition of the Judgment and opinion of the Court of Appeals her Counsel have been diligently preparing the materials for filing the present Bill of Complaint and she charges that no unreasonable delay has occured on her part or that of her counsel considering the mass of documents to be examined and collected as exhibits and the facts to be investigated. Your Oratrix further sheweth that always zealous and active to prosecute and recover said sum of money she caused to be instituted on the Common Law side of Charles County Court an action against the executors of said James D. Mitchell to recover the said sum of five thousand dollars as will be shown by a copy of her declaration herewith filed and by a short copy of the docket entries in said suit herewith filed both marked Complainants Exhibit P, and prayed to be taken as part of this Bill by which it appears that said suit was dismissed and your Oratrix is ready to prove and charge that the said suit was dismissed by her counsel, because he was subsequently satisfied upon fuller investigation that such an action could not be maintained at Law. And your Oratrix charges that she and her counsel were ignorant of the fact that said James D. Mitchell had executed a Bond to pay debts and legacies as aforesaid until about six months ago - and she further saith and charges that she did not file her bill in equity to recover against the personal representative of James D. Mitchell the said sum of five thousand dollars because she was advised and believed that the same could be fully recovered out of said Myrtle Grove nor was she aware until about the fifth day of July 1842 that the charge of said sum of money on Myrtle Grove might be extinguished by said Estate having vested in her about which time and certainly in the said month of July she was advised by her Counsel Robert J. Brent that in his opinion Myrtle Grove had descended to her at the death of Elizabeth A. Mitchell, And your Oratrix further sheweth that with a view to obtain a speedy judicial decision upon a question of so much importance, the amendment of her Bill was made as herein before stated. Your Oratrix therefore claims that she has not forfeited her right to the said sum of money and that she is entitled to the payment of the same out of the personal assets of said James D. Mitchell and she charges that her said claim was made known to the said Elizabeth A. Mitchell as Executrix aforesaid as well as to the said Henry S. Mitchell as adm.r as aforesaid, And your Oratrix further sheweth that said Henry S. Mitchell as such administrator de bonis non

settled in the Orphans Court of Charles County three accounts certified copies whereof marked Complainants Exhibit K. Complainants Exhibit L and complainants Exhibit M are herewith filed and prayed to be taken as part of this Bill. And your Oratrix claims to surcharge and falsify the said last accounts in this, to wit that in and by the first of said accounts the said Henry S. Mitchell obtained credit for the sum of Eighty seven dollars and fifty five cents for County and State tax for 1841. Whereas, your Oratrix charges that said tax or the greater part thereof was imposed upon certain Real Estate not possessed by the said Henry as such administrator De Bonis non and for which he was in no way responsible for or chargeable as such administrator. Your Oratrix charges that the credit to said Henry as such adm.r of one hundred and sixty dollars and twenty six and one half cents allowed in his said first account as having been paid to S. Farad for State and county tax for 1842 and also the credit allowed to him in his said first account for the sum of one hundred and twenty nine dollars and five cents paid to William Cox for State and County Tax for 1843 are both of them illegal and inadmissible as allowances to said administrator De Bonis Non, inas.d much as the said Taxes or a greater part of them were unpaid upon Real Estate not held or possessed by said Henry as such administrator and for which he was in no wise chargeable as such administrator. Your Oratrix with a view to further falsify and surcharge the said first account of said Henry prays that he may upon his corporal oath answer and disclose for what consideration and in what account he paid the several sums of money credited to him in said first account as having been paid to K. Griffith. L. Shackelford. Thomas F. Bowie, Peter Dent Rev.d J.B. Geldes. B.W. Crain. R. Gelving. R.G. Reintan. John B. Lanson for money due John H. Carroll use of Thompson & Spalding, John West A. McAllen. J.B. Owen. John Wise. And your Oratrix further prays that the said Henry may in his said answer particularly state whether the several sums of money paid to the aforesaid persons or any part thereof were incurred on account of matters of personal interest to said Henry and unconnected with the costs and charges of his said administration, and that he may distinguish the said parts or sums of money if any upon his corporal oath touching all said matters, and your Oratrix further prays that the said Henry may answer and discover whether the sum credited to him in his said first account as having been paid for fees due Richard Gill was not adjudged to the said Henry or some part thereof as his costs in the suit, by reason of which said fees accrued to said Gill and if the same were adjudged to him, then that he may say against whom the same were adjudged and whether he could not by proper and due diligence have recovered back the said sum of money or some part thereof.

Your Oratrix also prays said Henry may in his answer state why and for what reason he paid to Cary Dixon the sum credited to him for the board and attendance of a sick slave, and why the said slave when sick was not kept and attended by the other slaves of his testator's Estate.

Your Oratrix further prays that said Henry may answer and state on what account he paid to F. G. Waters the sum credited in said first account as having been paid to him and that he may answer and state whether at the time of serving the Subpoena in this cause on the said Henry. he had in his possession or control the vouchers or any