-rogatories deponent has refreshed his memory by reference to papers written at the time and begs leave to make the following explanations of his testimony as above given - that the negro woman Ellen runaway in July 1826 and that this deponent ceased to be the agent of James L Mitchell on the 10th of April 1829 - In testimony of the truth of the above depositions the witness hereto signs his name this 1st day of February 1841. - J. L. Maguire -

In pursuance of a commission issued out of the High Court of Chancery on the 12th day of September 1840, directed to Outerbridge Horsey Junr. of Baltimore County empowering him to examine evidences in a cause depending in the said Court, between Sarah E. Mitchell complainant and Elizabeth Mitchell and others defendants, I Outerbridge Horsey Junr. the commissioner in the said commission named having given due notice to the parties aforesaid and H. S. Mitchell guardian of the infant being present and having taken the oath to the said commission annexed did on the 26th of January 1841 proceed to examine Charles Keenan of lawful age who was first duly sworn on the Holy Evangely of almighty God and afterwards after like notice did on the 1st day of February 1841 proceed to take the deposition of James L. Maguire of lawful age who was sworn on the Holy Evangely of Almighty God, and the said depositions are herewith transmitted to this Honorable Court. -

Outerbridge Horsey Junr. (Seal)

And on the day and year last aforesaid came the complainant aforesaid by her solicitor Robert I Brent Esquire and filed in the said cause a suggestion of the death of the defendant Elizabeth Mitchell in the words following to wit, -

Sally E Mitchell, vs. Elizabeth Mitchell and others. } In the High Court of Chancery. - The Register of the Court of Chancery will please enter a suggestion of the death of Elizabeth Mitchell party defendant in the above cause and issue subpoena for Henry S Mitchell Ad. de. bo. non of James L Mitchell decd. -

Robert I Brent. -
for Complainant.

Oct. 7th 1841. -

Enter Henry S Mitchells appearance, and my appearance for him. -

Wm. Schley. -

And thereupon the death of the said defendant Elizabeth Mitchell was accordingly suggested on the docket. - And afterwards to wit, on the 27th day of April 1842 came the defendant Henry S Mitchell by his counsel aforesaid and filed in the said cause his answer to the said bill in the words following to wit, -

The separate answer of Henry S Mitchell to the original and amended bill of Sarah E Mitchell in the High Court of Chancery depending as well in his own right as in his capacity as administrator de bonis non with the will annexed of James L Davidson Mitchell late of Charles County deceased. - This respondent now and at all times hereafter saving and reserving to himself all and all manner of benefit and advantage of exception that may or can be had and taken to the manifold errors mis-

-statements and imperfections of said bill, nevertheless, for answer to the same or to so much and such parts thereof as he is advised it is in any wise necessary or material for him to make answer unto, he answers and says, that true it is that Francis I Mitchell his father, in said bill named, departed this life having previously made and executed his testament and last will, a true copy whereof is filed among the proceedings in this case, and to which he respectfully refers for the contents and provisions of said testament and last will. - And this respondent also admits that James L Mitchell his brother in said bill, named departed this life, at or about the time in that behalf in said bill stated having previously made and executed in due form of law his testament and last will, a true copy whereof is filed amongst the proceedings in this cause, and to which this respondent refers for the contents and provisions of said last mentioned testament and last will. - This respondent also admits that since the filing of said original and amended bill and as suggested in this case the said Elizabeth A Mitchell in her life time the executrix of the testament and last will of said James L Mitchell has departed this life, and that since her decease this respondent has been duly appointed administrator de bonis non with the will annexed of said James L Mitchell deceased and is now acting as such. - And this respondent further answering states, that the said complainant shortly after the filing of the said bill received from the said Elizabeth A Mitchell in her life time the several sums as stated in her receipts, marked "Exhibit E. A. M. No. 1," and filed by the said Elizabeth A Mitchell as part of her answer to said original bill and that said complainant received afterwards, various other sums from said Elizabeth A Mitchell in her lifetime on account of the bequest under the will of the said James L Mitchell, but how much she so received, and at what particular periods this respondent has not been informed and does not know but he has understood from the said complainant herself that she received all annuities up to the month of August eighteen hundred and forty inclusive. - And this respondent as to so much of said bill as respects the personal property and the real property devised and bequeathed, in trust to the said James L Mitchell by the testament and last will of the said Francis I Mitchell for the said complainant, respectfully submits, for decision whether the said James L Mitchell was charged with any active duty in respect of said trust property during the period and upon the state of case mentioned in said bill and whether in fact the complainant was not rightfully entitled to the use and control (as in fact she did exercise the use and control) of and over the same property both real and personal during the life time of the said James L Mitchell, And this respondent further answering states that to his own knowledge, the said complainant did for many years by her agent James W. Mitchell and by other agents receive the rent of said house in Saratoga Street and that she now is, and was, at the time of the