in her life time that she was married to the said James D. Mitchell in the fall of 1828, and that the said Elizabeth died in the month of August 1841.

4th To the 4th she says that she is the relict of the said James W. Mitchell and that he departed this life on the 24th July 1836 and that her late husband was the paternal uncle of the said complainant.

5th To the 5th she says that she has looked at the said paper and recollects to have seen it heretofore very often in the possession of her late husband James W Mitchell that the last time she saw it until to day was in the year 1833 or 1834 when said James W Mitchell returned it to said James W Mitchell, in order that he might get his wif Elizabeth Ann Mitchell to join in its acknowledgement, she the said Elizabeth Ann Mitchell having refused on some ground or other to acknowledge it, that the said James D Mitchell always looked upon and spoke of the property embraced in the said paper as the property of his sister Sarah E Mitchells that the said paper was in possession of the said James W Mitchell for several years but how long she is unable to say, that she knows nothing more about the said paper except that having heard said James W Mitchell ask her on several occasions to acknowledge the said paper, that she the said Elizabeth Ann Mitchell put him off by saying that she would do so at some future time - and that when the said paper was returned to said James D Mitchell, he said he would try to get her to acknowledge it.

6th To the 6th she says that she knows that her late husband acted as agent for said complainant and as such collected the rents of Cedar Dale which belonged to the estate of Dr Davidson but she cannot state the exact proportion of said rent collected by her late husband, and that James D Mitchell never received any part of the rent collected by her late husband.

(To the 5th and 6th) interrogatories the plaintiff excepts and to the answers of the witness thereto - and insists that the matters therein referred to are incompetent and inadmissible evidence in this cause)

1st To the 1st cross interrogatory she says that she thinks he acted as agent to said complainant under a written power of attorney and she further thinks she has said power at home in Harford County but she knows that he acted as her agent - and she has seen him and the complainant transacting business relating to his agency of her property of which he had charge.

2d To the 2d she says she cannot say whether her late husband did or did not receive James D Mitchell's share of rents for Cedar Dale (The witness in answer to the said 2d cross interrogatory stated also that James D Mitchells part of Cedar Dale was always considered as complainants property - To the admissibility of which last part of witnesses answer the complainant objected but the defendant insisted on the same being stated as a part of the answer to the said and 2d cross interrogatory) That she has heard James D Mitchell tell her late husband to receive his part of the rent of Cedar Dale for complainants use for he considered the property

his sisters.

That the authority the said James W Mitchell had to collect the rents of the said Complainant was a general one and that she has more collection that James D Mitchell part off the rent of Cedar Dale was specially mentioned. The witness went on in answer to said cross interrogatory to say that complainant always considered James D Mitchells part of Cedar Dale, as her own, that it was only necessary to ask him for a deed to obtain it, (to which answer as is responsive to said interrogatory the complainant objects but the defendants insist that the same be insisted.

Sarah E Mitchell, vs Henry S. Mitchell and others.

Nelson Spurrier a competent witness being produced on the part of the defendants and duly sworn to the 1st Interrogatory answereth -

1st To the 1st Interrogatory he says that he knows Henry S Mitchell one of the defendants but does not the other parties to the suit.

2d To the 2d He saith that he did know the said James D Mitchell and that he had known him some eight or ten years before his death which took place in the month of August or September 1837.

3d To the 3d he saith That the body of said paper and the certificate of acknowledgement are in the hand writing of Beal Spurrier the father of the deponent, now deceased whose name is subscribed with his own as a witness thereto - that the name "Nelson Spurrier" and the name N. Spurrier where they occur in said paper were written by the deponent at the execution of said paper, which was executed on the day of its date, by said James D. Mitchell, who signed and sealed the same in presence of this deponent and his said father who witnessed the same at his request, and the said James D Mitchell also signed the receipt at the same time in the presence of this deponent, that the signature of James D Mitchell to said paper is the proper hand writing of the said James D. Mitchell and the signature to said paper of Jas. D. Mitchell is also in the hand writing of the said James D Mitchell - and that he has no further knowledge relating to said paper, than that already stated.

Document. N. S.

This Indenture made this eighteenth day of April in the year of our Lord one thousand eight hundred and twenty nine between James Davidson Mitchell of Charles County and State of Maryland of of the one part and Sarah Elizabeth Mitchell of the same County of the other part - Whereas Francis T Mitchell late of the City of Baltimore and State aforesaid deceased the father of the parties to these presents by his last will and testament bearing date, on or about the eighteenth day of March one thousand eight hundred and twenty five after recitting that his said son James Davidson Mitchell and his said daughter Sarah Elizabeth Mitchell were in right of their late mother who was the daughter of Doctor James Davidson late of Queen Anns County deceased entitled as tenants in common to a portion or share of the estate real personal and mixed of which the said James Davidson died seized or