a more improved condition in the opinion of the deponent, He would have been unwilling himself to have used the water in warm weather in the then condition of the Spring.

To 3d. Cross Interrogatory he answers and says, That to that part of his answer in chief to which the Interrogatory refers he means to say that in the conversation which he had with Mr. Jones nothing fell from him which indicated any wish or desire on his part to exact any compensation for the use of the Water from his spring and does not mean to say that it had any reference whatever to any existing agreement between Mr. Bett and Mr. Jones in as much as he was not aware that any agreement was at that time existing between them in relation to this matter.

To the 4th. Cross Inty. he answers and says, That he does not.

Hereupon the examination of Mr. Spriggs closed and the commission adjourned to meet the next morning at 10 o'clock at the Court House in Upper Marlbro. 21st April 1841 In accordance with the adjournment the commissioner met at 10 o'clock at the Court House when no witness on either side being produced and offered to be sworn the commission was adjourned at the instance of the counsel for complainant to the next day. 22d. Commission met opened and the counsel for the complainant desired that it might be adjourned to meet in Bladensburgh on the 8th. of May so the commission adjourned to meet on the 8th. of May. 8th. May 1841. The Commissioner attended at Bladensburg on this day and opened the Commission, but no witness being offered to be sworn and no counsel attending he adjourned the Commission to meet any day that might suit both parties or either party who might desire further proof. But since then, understanding informally from both parties that they desired no further proof, he has deemed it his duty to close the commission and return it to the High Court of Chancery as directed so to do, under his hand and seal this 20th. of January 1842. Walter W. W. Bowie, Commissioner. (Seal)

Cost of Commission.

To 10 days as Commissioner \$4. = \$40.
To 10 days as Clerk \$2.66⅔ - - - 26.66⅔
\$66.66⅔

And the said cause thus standing was continued until the next Term of the said Court, at which next Term to wit December Term 1842 came the complainant aforesaid by his solicitor aforesaid and filed in the said cause his petition in the words following to wit.

Freeman Bett, Pltff. (Pet. Pany.) vs. Jos. I. Jones. } To the Hon. the Chancellor of Maryland.

The petition of F. Bett the Complainant shows that on the 14th. day of April 1840 a commission was issued in the above case to John Hanan of Baltimore City authorising him to examine evidences in this cause, that no testimony has been taken under said commission to the knowledge of this petitioner and that it has been outstanding for more than six months from the issuing thereof. Yr. petitioner therefore prays that the said commissioner may be directed forthwith to return the said commission with his

proceedings, And &c. Thos. G. Pratt, Solr. for petitioner.

On which petition the Chancellor passed the following order.

In Chancery 19 Jany. 1843.

Ordered that the commissioner John Hanan return the commission directed to him with his proceedings thereon before the twentieth day of February next. Theodorick Bland, Clk.

And afterwards at the same Term the Commissioner John Hanan Esquire made return of his Commission with his proceedings under the same in the words following to wit.

Maryland Set. The State of Maryland to John Hanan of Baltimore County Greeting, Know Ye that we have appointed you to be our commissioner to examine evidences in a cause depending in our High Court of Chancery between Freeman Bett complainant and Joseph I. Jones defendant, We therefore require you 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 named and produced to you by either the plaintiff or defendant, and that you examine them on their corporal oaths to be by you administered upon the Holy Evangely 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 & having reduced the depositions of the witnesses so taken by you into writing you send the same with this our Commission close under your hand and seal to us in our High Court of Chancery with all convenient speed.

(Seal) Witness the Honorable Theodorick Bland Esquire Chancellor this 12th. day of November Anno Domini 1839.

Ramsay Waters, Reg. Cur. Can.

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 take the examinations and depositions of all and every witness and witnesses produced and examined by virtue of the Commission hereto 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.

Sworn to by John Hanan the within named Commissioner on the sixteenth day of November eighteen hundred and thirty nine before the subscriber a Justice of the peace of the State of Maryland in and for the City of Baltimore. Thos. B. Pottinger.

Freeman Bett, Pltff. vs. Joseph I. Jones, Defdt. } In Chancery. By virtue of the annexed commission issued from the High Court of Chancery of Maryland authorising and empowering me to examine evidences in the above cause I John Hanan the Commissioner therein named do hereby certify that having on the 16th. day of November A. D. 1839 taken the oath to said Commission annexed I gave notice to the solicitors of complainant and defendant that on the 27th. day of November 1839 at my office Fayette Street in the