And afterwards to wit, on the 17th day of January 1840 came the complainant aforesaid by his solicitor aforesaid and filed in the said cause his petition in the words following to wit

William S. M'Pherson Adm. D. B. N. of Lewis Neth deceased
vs.
George Fitzhugh, Junior and others

In Chancery
To the Honorable Theodorick Bland Chancellor of Maryland
The Complainant humbly shows that since the filing of his amended and supplemental Bill of Complaint and Bill of revivor in this cause he has discovered that the same is defective in several particulars and he therefore prays leave to file the following amendment thereto, And &c. H: S Alexander for Compt.

On which petition the Chancellor passed the following order.

In Chancery 18 June 1840.

Let the amendment be made as prayed.
Theodorick Bland Ch.

And thereupon the Complainant aforesaid by his solicitor aforesaid filed in the said cause his amended bill against George Fitzhugh Junr. Daniel D Fitzhugh and Margaret his wife Henry Maynadier George F. Worthington, Nicholas B Worthington, Brice John Worthington, Caroline Worthington, Charles F. Worthington William T Gantt and Catharine his wife John T Hodges and Elizabeth his wife and Richard C Mackubin & Hester Ann his wife in the words following to wit

To the Honorable Theodorick Bland Chancellor of Maryland.
The amended Bill of William S. M'Pherson administrator de bonis non of Lewis Neth deceased in amendment of his Bill of amendment, supplement and revivor heretofore filed humbly shows that heretofore he filed his Bill of amendment supplement and revivor in this Court against certain George Fitzhugh Junior, Mary Fitzhugh, Daniel D Fitzhugh the President and Directors of the Bank of Maryland, Thomas G Waters and Walter Dulany and Rebecca Dulany which said Walter and Rebecca are not certainly known to be dead or alive, nor if dead is it certainly known who are their proper heirs or representatives which said bill your orator filed for the purpose of amending supplementing and reviving certain proceedings upon a bill of Complaint which had before that time been filed by a certain Samuel Maynard since deceased against the same defendants or some of them and for relief amongst other things by a sale of certain real estate to satisfy a certain claim due to the Estate of the said Neth deceased as by said bill and other proceedings will more clearly appear to which said Bill the defendants Mary Daniel and Thomas have answered and a decree has been passed in the cause for taking said Bill pro confesso as against the defendants Walter and Rebecca if alive or if dead against their representatives and other proceedings have been had as by said Bill answers decree and other proceedings will appear And your orator now shows by way of further amendment, that he has lately discovered and charges that the defendant, George Fitzhugh, Junior who is in the aforesaid Bill supposed to reside in

Baltimore County does in fact reside in the State of Indiana or elsewhere beyond the limits and jurisdiction of the State of Maryland and further he is informed and charges that Upton Scott who is mentioned in the foregoing proceedings in his life time by writing under his hand and seal assigned his claim against the premises in the proceedings mentioned unto one Henry Maynadier now of the City of Annapolis in trust to apply the same when received to the use and benefit of Margaret Maynadier in such manner as he shall judge most conducive to her interest and at or about the same time delivered said assignment endorsed on his aforesaid claim unto the said Margaret by whom the same was always held until her intermarriage with the said Daniel D Fitzhugh upon which event the same came into possession of said Daniel and ever since has been held by him. And although the said Daniel hath been in possession of the premises aforesaid for many years and taken the rents issues and profits thereof to a very great value and more than sufficient to pay and discharge said assigned claim yet he now pretends the same is now unsatisfied and with the view of keeping the same on foot as a charge on the aforesaid premises pretends that the same was assigned to the sole and seperate use of the said Margaret his wife whereas your orator charges that no such trust is created by the aforesaid assignment and that the same never came into possession or to the knowledge of the aforesaid Henry Maynadier and that under all the circumstances aforesaid the said claim will be presumed to have been paid and satisfied in favor of your orator, nevertheless for the reasons aforesaid your orator is advised to make the said Margaret and Henry parties to this suit, And further your orator is advised and charges that the said George Fitzhugh Senior had a daughter, named Anne who was married to one Brice J Worthington of Anne Arundel County and died in the life time of her father and leaving the following children to wit Catharine the wife of William T Gantt Elizabeth the wife of John T Hodges, George F Worthington, Nicholas Brice Worthington, Hester Ann wife of Richard C Mackubin, Brice John Worthington, Caroline Worthington and Charles F Worthington of whom the said Brice, Caroline and Charles are under the age of twenty one years and that said children by representation to their deceased mother are heirs at law to the said George Fitzhugh Senior deceased and are therefore proper parties to this suit, To the end therefore that the defendants hereinafter named may answer the matters and things herein before charged and also the matters contained in the Bill of amendment, supplement and revivor aforesaid and that your orator may have such relief in the premises as his case may require May it please your Honor to grant unto your orator the writ of subpoena against the said Daniel D Fitzhugh and Margaret his wife of Baltimore County, Henry Maynadier, George F. Worthington, Nicholas Brice Worthington, Brice John Worthington, Caroline Worthington, Charles F Worthington, William T Gantt and Catharine his wife and John T Hodges and Elizabeth his wife of Anne Arundel County and Richard C Mackubin and Hester Ann, his wife of Washington County commanding them to be and appear in this