having renounced and refused to act as Executor of said will letters testamentary were issued to the said John W. Richardson alone, And your Petitioner is advised that the several matters before mentioned render the said Isaac Evans Junior and the said Hugh Birckhead and John W. Richardson necessary parties to the said suit he therefore prays leave to file a supplemental bill bringing them before this Court to answer and defend the premises.

Dobbin & Talbott Solrs for Compltt.

On which petition the Chancellor passed the following order

Let the supplemental Bill be filed as prayed.

January 21st 1850. John Johnson Chancr.

And thereupon the Complainant aforesaid by his Solicitors aforesaid filed in the said cause his supplemental Bill of Complaint in the words following to wit: To the Honorable The Chancellor of Maryland.

The supplemental bill of Complaint of Joshua J. Atkinson Permanent Trustee of William C. Spindler humbly shews that heretofore your complainant filed his bill of Complaint in this Court against James Phillips Senior William C. Spindler, Bethia Spindler his wife and Eleanor E. Spindler daughter of the said William and Bethia charging that the said William C. Spindler in fraud hindrance and delay of the rights of his creditors had conveyed his property to the said James Phillips Senior in trust for the use and benefit of his said wife and daughter and praying that said conveyances might be set aside and for general relief to which bill the said defendants answered and other proceedings were had as by the same proceedings now in this Court will appear and your Complainant further states that since the said bill and answers were filed the said William C. Spindler has departed this life intestate leaving the said Eleanor his only heir at law and no administration has been taken out upon his Estate and that said Eleanor E. Spindler has since intermarried with Isaac Evans Jr. of the City of Baltimore and that James Phillips Senior has also departed this life having made a will which has been duly proved and recorded, whereby he has devised a part of the property in said original bill mentioned to Hugh Birckhead and John W. Richardson of the City of Baltimore in trust for certain purposes mentioned in his said will and by his said will the said Hugh Birckhead and John W. Richardson were also appointed by the said James Phillips his Executors but the said Hugh Birckhead having renounced and refused to act as Executors of said will letters testamentary were issued to the said John W. Richardson alone, And your complainant is advised that the several matters herein before mentioned render the said Isaac Evans Junior and the said Hugh Birckhead and John W. Richardson necessary parties to this suit and that your complainant is entitled to have the same revived as against them. To the end therefore that the said Bethia and the said Eleanor may answer this amendment and that the said Isaac Evans, Junior, Hugh Birckhead and John W. Richardson may answer the matters charged in the original bill of Complaint as well as in this amended bill and that the said suit may be revived against the said Isaac Evans Jr: and the said Hugh Birckhead and John W. Richardson and restored to the condition in which it was at the marriage of the said Eleanor and the death of the said James and that your Complainant may have such relief against the said Isaac, Hugh and John as is prayed in said original

bill against the said defendants in said original Bill, May it please your honor to grant a writ of subpoena against the said Isaac Evans Jr. Hugh Birckhead and John W. Richardson commanding them to appear in this Court and shew cause if any they have why this suit should not be revived against them as prayed herein and that they shall stand to and abide by such decree as may be passed therein and as in duty bound. &c. Dobbin & Talbott Solrs for Compltt.

And afterwards at the same time came the defendants named in the said supplemental Bill by their Counsel Joseph J. Speed and John Nelson Esquires and filed in the said cause their answer to the said supplemental Bill in the words following to wit:

The Answer of Bethia Spindler, Isaac Evans Junior, Eleanor E. Evans his wife (late Eleanor E. Spindler Hugh Birckhead and John W. Richardson to the supplemental bill filed against them in this Court by Joshua J. Atkinson Permanent Trustee of William C. Spindler — These Respondents admit the several matters charged in said supplemental bill as therein set forth: And as to the matters charged in the original Bill these Respondents Evans and wife, Birckhead and Richardson answer that they have no personal knowledge and therefore cannot answer further than to refer to the answers formerly filed in this cause and to make the same defence.

J. J. Speed for Defts.
J. Nelson for Defts.

The above answer is accepted without oath.

Dobbin & Talbott Solr for Compltt.

And afterwards at the same Term the commissioner John Hanan made return of his said Commission with his proceedings under the same in the words following to wit:

Maryland ss: The State of Maryland. To John Hanan of the City of Baltimore. Greeting; Know that we have appointed you to be our Commissioner to examine witnesses in a cause depending in our High Court of Chancery between Joshua J. Atkinson Trustee of William C. Spindler complainant and James Phillips Senr. and William C. Spindler and others defendants, 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 witnesses 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 Evangelys of Almighty God touching their knowledge or remembrance of any thing that may relate to the cause aforesaid, and that you cause notice to be given to the parties or their attorneys of the execution of this commission before you execute the same and 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.

Witness the Honorable John Johnson Esquire Chancellor this 9th day of October Anno Dominii 1847.

Seal

Test: Louis Gassaway Reg: Cur: Can.

Commissioner's Oath. You shall according to the best of