

having their examinations taken at or near their respective residences; and to there being few cases in which all the witnesses

exceptions coming to be argued the same Court before the Chancellor, in presence of counsel learned on both sides.

OGLE, C.—This Court doth declare, that the exceptions to the said answer are good, and the answer of the defendant adjudged insufficient, and Ordered, that the defendant pay the complainant six hundred pounds of tobacco for his delay. And it is likewise Ordered, that subpoena issue against the defendant for the costs; and to put in a better answer to the aforegoing bill.

After which, at December Court, 1735, the defendant filed his answer, in which he admitted, that George Parker, the father of the plaintiff, made his will and died as stated, leaving real and personal estate; that the defendant had married the widow; and also that Gabriel Parrott died leaving an estate as stated; but that the defendant had regularly and legally accounted for and paid to the creditors, legatees, and next of kin, all the personal property which had come to his hands; that the household furniture, negroes and sheep, had been delivered to the plaintiff, without any misrepresentation, at a fair valuation; that the mulatto fellow Ned, the property of the plaintiff, was an ordinary carpenter and cooper, from whom the defendant received no other benefit than from an ordinary slave; that the defendant had possession of the plaintiff's personal estate for about five years and three months, that is, from the time of the defendant's marriage with the plaintiff's mother until he came of age, and paid the quit rents of his lands in St. Mary's, but never during his possessing them, received any more than £13 18s. 3d. and 4,376 lbs. of pork; that of the plaintiff's lands in Anne Arundel a part was seated, whereon the defendant had negroes who were employed in making crops, and another part on which his overseer's wife lived; but that this defendant never was at but one of the said tracts of land; that the plaintiff's lands in Prince George's, were not seated or ever seen by the defendant; that he does not know that there ever was any seated plantation on the plaintiff's lands in Baltimore County; that for the plaintiff's lot in Huntingtown, the defendant had received the hire of about 1,200 lbs. of tobacco; and that this defendant had a right to the occupation and profits of the plaintiff's lands without accounting for the same.

At May Court, 1736, the plaintiff put in a general replication to this answer, and the defendant rejoined; and so, the parties being at issue, divers witnesses were examined and their depositions published according to the course of the Court, the master in Chancery made a return as follows:

"In pursuance of an order of the Court of Chancery, bearing date the 25th day of May, in the year of our Lord, 1736, I have proceeded to examine Thomas Sanner of St. Mary's County, planter, James Biscoe of the same county, planter, James White of the same county, planter, John Gaines of Calvert County, planter, Josias Sunderland of the same county, planter, James Dukes of the said county, planter, Samuel Griffin of the same county, planter, Francis Gaines of the same county, planter, Walter Phelps of Anne Arundel County, planter, and Jonathan Taylor of the same county, planter, as witnesses for the complainant, whose examinations, together with the interrogatories filed by the complainant in this cause, hereunto annexed, I humbly return into this Honorable Court.—B. YOUNG, *Master in Chancery.*"

Here follow the depositions of sundry witnesses taken, as stated, before this master in Chancery, which, as appears by his attestation to each, were