

Ordin and Barbara Morrow; and one grandchild, Anne Barbine, wife of Charles Barbine, who is the only child and heir-at-law of Joseph Hook, deceased, son of the said Anthony Hook." But this bill prays process only against those who were defendants to the original bill; it does not ask for a subpoena against James Hook. It was, however, agreed, that the answers which had been previously filed, and "since amended, should be taken as answers to the said amended bill."

A commission was issued to take testimony, under which the depositions of several witnesses were taken; and several deeds and instruments were returned with the commission.

From all which it appears, that during the last illness of Anthony Hook, he was visited by the late Catholic Bishop Carroll, who having been told that there had been some misunderstanding between him and his son John, respecting a conveyance of his property, the Bishop caused a bond to be prepared expressive of the fact, to be signed as a stipulation and acknowledgment by John, that the deed of the 17th of August, had been made in trust for the payment of Anthony's debts, and nothing more; which instrument John, on some account, not now known, refused to execute; that Anthony died soon after, and John administered upon his estate; and after John's death, which happened in September, 1800, letters of administration *de bonis non* of the personal estate of Anthony were, on the 8th of November, 1800, granted to his widow Mary Hook; after which she applied, by petition, to the Orphans' Court to compel Barbara, the administratrix of John, to execute the trust specified in the deed of the 17th of August; to which petition Barbara demurred; because the matter belonged properly and exclusively to the Court of Chancery; and the Orphans' Court sustained the demurrer.

That afterwards the sale of the ten acre lot was agreed upon and made; and the defendants Hagthrop and wife, by an indenture bearing date on the 29th of May, 1804, conveyed a part of it to Mary Hook, in discharge and satisfaction of the thirds of the said Mary, of, and in the estate of the said Anthony Hook, her late husband; whereupon Mary, on the same day, by an instrument of writing under seal, acknowledged the receipt of £429 19s. 10d. being the full amount of her dower, thirds and proportion of the * estate of every description of her late husband; and ratified, so far as it respected her dower or thirds, the sales **561** made by Hagthrop and wife as administratrix, or either of them. Which part of the ten acre lot was afterwards conveyed by Mary Hook to Samuel Young and Francis Young, and by them conveyed to William Rawlings, the testator of the defendant Benjamin Rawlings, which several conveyances referred to the deed of the 17th of August.