

12th November, 1842,) the death of one of the negroes; the sale of four, and the deposit to his own credit in the Farmers Bank of Maryland; but denied an intention to sell more of the negroes; the insufficiency of the residue of the property; and his indebtedness to the complainant.

In the statement filed by the complainant, the defendant was credited as of the 12th November, 1842, with a commission of \$200, for services rendered, which left a balance of \$424 88, for which he gave his single bill as stated above and admitted in the answer, but the answer further stated, that the transaction was a fraud upon the defendant, who, relying upon the correctness of the balance stated by the complainant, had affixed his signature to the instrument without having read it, and denied the sufficiency of the last credit, stating in relation thereto, that on the 21st March, 1840, letters of administration were taken out by said defendant, together with the complainant, upon the estate of Thos. R. Cross, deceased, which is not yet fully administered; that said Cross, in his lifetime, being largely indebted to him, and he being in like manner, indebted to P. McKenna & Co. the two former united in a single bill to the latter, dated 30th January, 1838, for \$227 48, with the understanding, that it was to be paid by said Cross, who nevertheless died without having done so, and at April term, 1840, judgments were recovered on this bill, one against said Stewart, as surviving obligor, and another against him and the complainant, as administrators of said Cross. That the sum due on these judgments was paid by the defendant, with the understanding between him and the complainant, that he should be allowed for it, against the estate of the deceased; that although an order to that effect had been passed by the Orphans' Court, the allowance had not been made; and, therefore, that this was now a good *set-off* against the complainant's claim. The answer further stated, that instead of an allowance of \$200, for commissions, on the 12th November, 1842, the proper allowance was \$392 98, being half the commission allowed by the Orphans' Court, to him and the complainant, as administrators as aforesaid.