an open account against said Thomas Mackall, in favor of the said Anne R. G. Mackall, for the hire of negroes, commencing January 1st, 1834, and ending January 1st, 1837, amounting to $519 84. Various depositions were taken in support of these three last claims, and in order to rescue them from the plea of limitations pleaded against them by Louis Mackall, Junior, one of the heirs-at-law of the deceased. The purport of these depositions, and the objections to them, are fully stated by the Chancellor. The other claims in dispute, and the proof in their support, as well as the proceedings in the case, will also be found in the opinions.]

THE CHANCELLOR:

This case standing ready for further directions, on the objections to the claims of the creditors, and on the exceptions to the Auditor's report, and being submitted on behalf of Louis Mackall, Jr., under the order of the 20th of June last, and upon arguments in writing, of his solicitor, the proceedings have been read and considered.

This case presents for consideration, among others, the exceptions taken by said Mackall, to claims numbered 4, 5, and 6. The Auditor reports that claims Nos. 4 and 6 are barred by limitations, and that the last is not proved, though the first is. No. 5 he reports not barred and fully proved.

The counsel for Mackall controverts the conclusions of the Auditor in part, insisting that all of these claims are barred, and that none of them are proved either by the evidence in the cause at the time the Auditor made his report, or by that subsequently taken. Full proof of these claims being demanded by Mackall, and the act of limitations being relied on by him, it becomes necessary to inquire whether the plea is applicable, and the proof required furnished.

No. 4 professes to be founded upon the single bill of the deceased, Thomas Mackall, dated the 22d of March, 1833, payable two years after date, and was filed on the 4th of November, 1847. The debt or thing in action had, therefore, been above twelve years standing, when the claim was filed, and the