

the plaintiff prayed, that the deed might be annulled and cancelled, and for general relief according to the nature of her case.

The defendant by her answer denied, that the deed had been fraudulently or in any manner improperly obtained from the plaintiff, and averred, that the plaintiff, as her mother, had promised to her father, a short time before his death, to provide for her. In consequence of which, and in express reference to that promise, he had by his last will given the defendant a trifling legacy, and so, in effect, excluded her from all participation in his estate. Upon all which the defendant insisted, that the deed should be sustained, or that she should have secured to her the full benefit of the plaintiff's promise.

To this answer the plaintiff put in a general replication, and a commission was issued to take testimony; but before it was returned, the plaintiff, on the 31st of August 1826, came from Baltimore to Annapolis with the defendant, and by an order in writing, signed by her, directed the register to dismiss the bill, and it was dismissed accordingly.

On the 6th of November, 1826, the solicitors of the plaintiff filed their petition, in which they stated, that although the complainant was not a lunatic, yet she was incapable of transacting business or disposing of her property; and that she had declared, since her return home, that she went to Annapolis with her own lawyers; and instead of dismissing her bill, she is under the impression, that she has got all her property back, and that the deed to the defendant has been set aside; and the plaintiff's solicitors further allege, that the order for dismissing this suit had been procured by fraudulent practices and undue influence upon the plaintiff; and in support of their representation, they filed with it several affidavits. Upon all which they prayed to be heard; that the bill might be reinstated; that a guardian of the plaintiff might be appointed to prosecute the suit; and that such order might be passed as the nature of the case should require.

27th November, 1826.—BLAND, *Chancellor*.—Ordered, that this application to reinstate the case stand for hearing on the fourth day of January next;—that depositions taken by either party on one day's notice may be read in evidence at the hearing;—that the Chancellor will at the hearing require the personal presence of the complainant for the purpose of informing himself upon the subject of this application; but he desires it to be distinctly understood, that the complainant must not be removed from home so as to subject her to great personal inconvenience, or so as to endanger the