

him and his counsel in utter ignorance of the said chancery suit, which entitle him to the favorable consideration of your honorable body. The commissions to take testimony in the case were issued to Baltimore and Annapolis, although the evidence was to be obtained from records in Montgomery and from witnesses residing there. The counsel for the plaintiff in the suit upon the bond of your petitioner, instituted to settle the very account involved in the chancery case, goes from Rockville to Baltimore and proves the receipt of large sums of money by your petitioner, and although aware of the *ex parte* character of the proceeding; aware of the suit upon the bond and its object; aware that your petitioner was justly entitled to large credit, and being in frequent and almost daily intercourse with the counsel for your petitioner at Rockville, he fails to apprise him of that chancery case. The counsel for the complainant in the chancery case, after its institution, argued an appeal from a judgment rendered in the suit upon the bond, with your petitioner's counsel in that suit, and failed to apprise him of that chancery case. And finally, the bill is dismissed as to sisters of your petitioner, parties defendant with him, in order to facilitate a final decree. Whereas if the writ had been prosecuted to service upon them, your petitioner's attention would have been again directed to the subject and he might have been able to give due attention to the suit.

And to show the gross injustice which will be done to your petitioner by the execution of the said decree, he avers and charges that so far from owing the sum of money, payment of which is required of him thereby, or any sum of money at all, he verily believes that the estate of Thomas Cramphin has been overpaid by and is in fact indebted to him. Your petitioner holds written receipts and vouchers for payments on account of said estate amounting in the aggregate to nearly thirty thousand dollars, and ranging from twenty-five cents to some four thousand dollars, for not one cent of which has he heretofore received credit. And without troubling your honorable body with details of his accounts, he again asserts, that upon a full and fair accounting, charging all his receipts and crediting payments and just allowances to which he is entitled, instead of being indebted he will be found to have overpaid said estate.

Your petitioner shows that he has applied to the counsel for the parties entitled to whatever money may be recovered under said decree for his consent that the decree may be opened in order to an equitable adjustment of his accounts; but has been coolly notified that they stand upon the defensive, and no doubt every effort to enforce the decree to the uttermost farthing will be made. Failing in this reasonable request your petitioner has filed his application in the chancery case to open the decree upon the grounds stated in this petition and upon other reasons, tendering his answer and offer to account forthwith upon such terms as the Chancellor may prescribe, which application stands for hearing on the 2nd day of March next, but your petitioner has been advised that the Chancellor may consider himself bound by some rigid and inflexible rule of Law, proper to be enforced as a general rule, but operating hardly if applied in this instance, and refuse the prayer of your petitioner, though satisfied of the justice of the case.