

the personal estate of their testator. That the original bonds have been filed for safe keeping in the office of the register of wills of St. Mary's County, and they have refused to deliver them to the complainant until the right, if any he has, is determined in the premises.

These respondents, therefore, believing and having been advised that they have a right to said bonds, and that they are entitled to receive as executors as aforesaid the proceeds of the same, pray the Court to decree accordingly, and that the complainant, as administrator as aforesaid, be ordered and directed to endorse said bonds to respondents, so that they may be enabled to proceed at common law to recover the amounts due upon them from the respective obligors; and to pass such decree in the premises for the full and entire settlement of the matter and relief of respondents as may be just and equitable, and decree to them their reasonable costs, &c.

On the 22d of June, 1850, by agreement of parties the general replication was entered, and a commission issued to take testimony.

Under this commission, returned on the 4th of January, 1851, it was proved on the part of the defendants, by Mrs. Sarah Drury, a competent witness, that about three weeks before Mrs. Gough's marriage to Colonel Crane, the latter remained all night at the house of a Mrs. Smith, where Mrs. Gough was staying, and Mrs. Gough came into Mrs. Smith's room, and said to Mrs. Smith and witness that she and Colonel Crane had made a bargain. Witness asked her what the bargain was. Mrs. Gough replied, that she had given all her notes for her money to Colonel Crane, and he promised to give her the interest of them as long as she lived, and that she had said to him, "Colonel, you know that when I die it is all yours." Witness has often heard Mrs. Gough declare, before her marriage to Colonel Crane, that she wished no one to have her property except Colonel Crane and his children. That Mrs. Gough, during the same conversation detailed above, observed that she and Colonel Crane were going to be married in a few weeks, and they were married shortly thereafter.