

dispersed situation of witnesses; to the convenience of having their examinations taken at or near their respective residences; and

Gabriel Parker, against John Mackall. It states that the plaintiff's father, George Parker, made his last will, appointing his wife Susannah, the plaintiff's mother, his executrix, and died on the 4th of March, 1710, possessed of a great personal estate and seized of a considerable real estate, great part of which descended to the plaintiff as heir at law, who was then about twelve years of age; that the said Susannah, took upon herself the office of executrix, and returned an inventory; and afterwards married the defendant, by virtue of which he possessed himself of all the real and personal estate of the plaintiff's; and also got into his possession several lands and personal property of the plaintiff's, consisting of money and slaves, one of whom was an expert carpenter and cooper, which had been devised and bequeathed to the plaintiff by his grandfather, Gabriel Parrott. That the plaintiff married at about sixteen years of age, and soon after demanded of the defendant the delivery of his estate, which the defendant refused to make; except some household furniture, two negroes, and twenty sheep, which were represented to have been delivered at their appraised value, although not worth so much then as when appraised; and yet the defendant, taking advantage of the plaintiff's youth, by misrepresentation, actually charged him more than the amount to which it had been appraised. That the plaintiff had received from the defendant several sums of current money which he alleged were payments in sterling money; that after the death of the plaintiff's father, there arrived here sundry goods from England, the property of the plaintiff, which came to the hands of the defendant, and were converted by him to his use; which goods then bore cent. per cent. and upwards, advance, but were inventoried by the defendant at the prime cost in sterling money; that the defendant had actual occupation, possession and advantage of all the plaintiff's real and personal estate for five or six years before he came of age, of which the defendant made or might have made very great profit and advantage, and did not during all that time maintain the plaintiff, or make him the least satisfaction for such use and occupation of his estate. Upon which it was prayed, that the defendant might account for the personal estate, and for the rents and profits of the real estate, and the interest thereof; that he might make reparation for the waste and spoil committed by him on the plaintiff's lands and improvements; and that the plaintiff might be otherwise relieved in the premises as should seem agreeable to equity.

At May court, 1735, the defendant exhibited his answer to the bill of complaint; and the same court the complainant filed exceptions thereto; which exceptions coming to be argued the same court before the Chancellor, in presence of counsel learned on both sides.

OGLE, Chancellor.—This court doth declare, that the exceptions to the said answer are good, and the answer of the defendant adjudged insufficient, and *Ordered*, that the defendant pay the complainant six hundred pounds of tobacco for his delay. And it is likewise *Ordered*, that subpœna issue against the defendant for the costs; and to put in a better answer to the foregoing bill.

After which, at December court, 1735, the defendant filed his answer, in which he admitted, that George Parker, the father of the plaintiff, made his will and died as stated, leaving real and personal estate; that the defendant had married the widow; and also that Gabriel Parrott died leaving an estate as stated; but that the defendant had regularly and legally accounted for and paid to the creditors, legatees, and next of kin, all the personal property which had come to his hands; that the