which the Sheriff promised should be done, some time after this Deponent upon enquiry, understood from the Sheriff that he had not been able to give the information to the Surveyor but that he would again exert himself to compleat the Survey in time, About the middle of September the Sheriff informd this Deponent that he had given the Notice to the Surveyor and to all parties and that the 19th of October was the day fixed, at the request of the Defendant himself, this Deponent then gave Orders for the Witnesses to be and appear on that day, which was done and they the Witnesses attended, that previous to the 19th this Deponent saw, and had conversation with the Defendant himself, and understood from him, that that day to wit the day fixed upon, was the day he had requested, This Deponent also was call'd upon by the Surveyor himself early in October, who told this Deponent he had had due Notice and would attend and agreed to call at this Deponents house, on the Morning of the 19th day the day fixed upon, to go down together, this Deponent further says, that on the Morning of the day fixed upon for the Survey, he proceeded on, without delay to the land in company with the Sheriff, tho' this Deponent had been for some weeks before and was then, much indisposd, On the way this Deponent was met by one of the Witnesses summoned upon the Survey who informd him that the Surveyor had not come, but that his Deputy was there or had been there, the Deponent then, put on pretty fast in Order to see and get the Deputy to adjourn from day to day and upon coming up to the house of the Defendant, was by him informed that the Deputy Surveyor "had gone away home" and had desired him to inform this Deponent, to this effect" adding" that if he had staid the survey could not be gone upon, as the Deputy had no Instruments this Deponent was further informed by the said Defendant that all the Witnesses had gone home, as also the Deputy Sheriff, who had attended previous to the other Sheriff arrival who went down with this Deponent — This Deponent says that no pains have been spard on the part of the Plaintiff to get this Business completed since the last Term, and that nothing but the Rains and Overflowings of the Branches prevented its being done against that Term. —

Sworn to before Me this 29th October 1790 —

David Craufurd

Which being read and heard It is ruled by the Court here that the Sheriff and Surveyor of Prince Georges County shew cause why an Attachment of Contempt shall not issue against them for not complying with the Rule of the Court in not executing the Warrant of Resurvey and returning it in this Cause by the second day of next Court and thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their Attornies aforesaid

and by Order of the Court here thereon, is further continued until the second Tuesday of May next following. — At which said second Tuesday of May being the tenth day of the same Month Anno Domini seventeen hundred and Ninety one comes here into our General Court the aforesaid Clement Gardiner by his Attorney aforesaid and suggests to the Court here that the said Baker Howard Lessor of the aforesaid Titus Right after the last continuance of the Action aforesaid to wit, the second Tuesday of October last past, and before this time died at the County aforesaid and this is not denied Whereupon with the consent of the said Clement Gardiner by his Attorney aforesaid, It is ruled by the Court here that leave be given to the heir at Law of the aforesaid Baker Howard Lessor of the said Titus Right to appear and prosecute of and upon the plea aforesaid at the next Court and thereupon further process of and upon the premises is by Order of the Court here thereon further continued until the second Tuesday of October next following —

At which said second Tuesday of October being the eleventh day of the same Month Anno Domini seventeen hundred and ninety one comes again here into our General Court the aforesaid Clement Gardiner by his Attorney aforesaid — Whereupon with the consent of the said Clement Gardiner by his Attorney aforesaid It is ruled by the Court here that further leave be given to the heir at Law of the aforesaid Baker Howard the Lessor of the aforesaid Titus Right to appear and prosecute of and upon the plea aforesaid until next Court and thereupon further process of and upon the premises with the consent of the said Clement Gardiner by his Attorney aforesaid and by Order of Court here thereon is further continued until the second Tuesday of may then next following. — And now here at this day to wit, the said second Tuesday of May being the eighth day of the same Month Anno Domini seventeen hundred and Ninety two comes here into our General Court the aforesaid Clement Gardiner by his Attorney aforesaid, Thereupon it is Ordered by the Court here that this Action be entered Abated by the death of the aforesaid Baker Howard Lessor of the aforesaid Titus Right

Test John Gwinn Clerk —

Afterwards to wit on the second day of March seventeen hundred and Ninety two the aforesaid Titus Right Lessor of the said Baker Howard procured the State of Maryland's Writ of Error commanding the Proceedings aforesaid to be transmitted to the State of Maryland's High Court of Appeals, which said Writ of