believe no warrant of Resurvey was obtained by him to resurvey Havanaers Discovery but that they are informed and believe that the Warrant which was obtained by their Father was a warrant to resurvey Havanaers Fancy, and that upon the said Warrant a survey was made and a certificate returned and a Patent granted to their Father for a Tract of land called Resurvey on Havanaers Fancy containing six hundred and ninety five acres of which their father was seised and possessed until his death, and since these Defendants have been in the seisin and possession of the same and are now seised and possessed thereof They further say they were not privy to the contract entered into between their father and the said Dickson and only know what Land he sold to the said Dixon if any from the papers exhibited by the Complainant and they do not know nor can they admit, that it was any part of Resurvey on Havanaers Fancy for the Conveyance of which the said Bond was given and these Defendants further say that after the great length of time which hath elapsed since the execution of the said Bond and before any Bill filed in this Honorable Court to obtain a specific performance thereof, they are informed the said Complainant is not entitled to relief and they rely on the said length of time to bar the Complainant of the relief prayed and pray — have the benefit thereof at the hearing as fully as if they had pleaded the same and relied thereon by way of plea, Without that there is any other matter or thing in the said amended Bill of Complaint material for the said Defendants to answer unto and not herein and hereby sufficiently answered unto confessed and avoided traversed or denied is true; All which these Defendants are ready to aver and prove when &c. and in such manner &c. Wherefore they pray as before to be hence dismissed &c. with their Costs and so forth.

L. Martin for Defend.



Baltimore County Set. on the 10th October 1801. then came the within mentioned Frederick and Michael Heffner the Defendants and being duly Sworn on the Holy Evangels of Almighty God deposed and made oath that the different facts and allegations in this their answer contained are true to the best of their knowledge and belief.

Sworn before me.

Rd. H. Moale.

Whereupon the Complainant by his Counsel entered replication generally to the answer of the Defendants, and at the same Term the parties entered into the following agreement to wit.

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Agreed that Commission issue to Roger Taney, Attorney at Law of Frederick Town Frederick County.

J. Key and Sharpe for Plff.
L. Martin for Deft.

Whereupon Commission issued accordingly in the words following, to wit,

Maryland Set. The State of Maryland To Roger Taney Esquire of Frederick County, Greeting, Know ye, that we have appointed you to be our Commissioner, to examine evidences in a case depending in our High Court of Chancery between George Dickson Complainant and Frederick and Michael Heffner Defendants. We do therefore require you having first taken the Oath hereunto annexed and also administered the annexed Oath to the person whom you shall appoint as clerk to attend the execution of this Commission, that at such time and place as to you shall seem convenient, you cause to come before you all such Evidences as shall be named and produced to you by either the Plaintiff or Defendant, and that you examine them on their corporal Oaths, to be by you administered upon the holy Evangely of Almighty God, touching their knowledge or remembrance of any thing that may relate to the Cause aforesaid; and that you cause notice to be given to the parties or their attorneys of the Execution of