January Term 1865.

To William L W Seabrook
Commissioner of the Land Office

The petition of William T Day of Baltimore County Caveator respectfully asks for a postponement of the hearing in this cause for the following reasons,

1st That the time allowed is insufficient to enable him to procure and the testimony he is advised by his Counsel is Material and important,

2d The Caveator John T Day has claimed and been granted precedence in taking his Evidence, upon the alleged the ground that he is plaintiff and when your petitioner and had conveniently taken his evidence he was prevented by the claim and exercise of this right of precedence by the Caveator.

3d The Caveator John T Day has occupied more than his fair proportion of the time allowed for taking Evidence and has consumed time unnecessarily and needlessly as your Petitioner believes for the purpose of preventing him from having an opportunity of taking his Evidence,

4th His Counsel is now engaged daily in the trial of causes in the Circuit Court for Baltimore County and he has reason to believe will be so occupied until 1st of July and it is very important that his Counsel should attend the examination of the Witnesses.

R T Gittings Solr for Petr

State of Maryland } Baltimore County Sct

On this 10 June 1859 appeared personally before me a justice of the Peace of the State of Maryland in and for said County, William T Day the Petitioner above named and made oath on the Holy Evangelys of Almighty God that the matters stated in the foregoing Petition are true to the best of his knowledge and belief.

James W Owings

State of Maryland, } Baltimore County Sct

I hereby certify that James W Owings before whom the annexed affidavit was made and who has thereto subscribed his name was at the time of so doing a Justice of the Peace of the State of Maryland in and for Baltimore County, duly commissioned and sworn.

(Balto City Circuit Ct)

In testimony whereof I hereunto set my hand and affix the seal of the said Circuit Court for Baltimore County, this 10th day of June A.D. 1859.

George H Carman Clerk
Cir Ct Balto City.

Letter filed June 10th 1859

Baltimore June 10th 1859

William L W Seabrook Esq.

Dear Sir.

Your letter was duly received and I am greatly obliged for your promptness. I return herewith the Petition of Wm T Day under oath for a postponement of the case. Mr Day himself daily engaged at Towsontown attending the trial of a cause in which he is a party which was begun on Friday of last week and is not yet concluded, I expect to be occupied until July at our County Court, I understand that the Magistrate, who has been taking the testimony and most of the Witnesses

January Term 1865.

being Farmers are anxious to have a postponement until after their harvest I would prefer a delay until September or October, if it might suit you as well, but if your rules require an earlier day. I would ask this Month you'll attention — By an early reply you will oblige

Very Respectfully Yours
R T Gittings,

Order issued to R T Gittings and G G Brewer.

John T Day
Wm T Day } vs

Caveat vs Mud Island
In the Land Office
Baltimore County,

Ordered upon petition of the Caveator that this Caveat be postponed until, and be heard on Wednesday the 27 day of July next, and that the Surveyor of Baltimore County lay down any lands which either party may be directed to lay down, to illustrate the matter or dispute, and that depositions taken before a Justice of the Peace on three days Notice be read in Evidence on the hearing of said Caveat.

(The Land Office of Md)

Witness, my hand and seal of office this 14 day of June 1859.

Wm L W Seabrook
Comr of the Land Office

The following was filed July 25 1859

State of Maryland,

On this 21 day of July in the year of our Lord 1859 before me the subscriber a justice of the Peace in and for Baltimore County personally appeared James D Sawyer who being duly sworn on the Holy Evangelys of Almighty God deposeth and saith that in the case of John T Day vs Wm T Day that the said John has occupied all the time since about the middle of May to the present time taking testimony and making locations, which he does not complete until the 19 inst That much of Williams time has been occupied at Towsontown attending a case between him and Allender so that it was entirely out of his power to take testimony in time to be before the Commissioner of the Land Office by the 29 inst and furthermore William has not been allowed to take testimony until John was done of which he was notified this day, sworn to and subscribed by the said deponent before me this day and year aforesaid.

L G Duncan J.P.

James D Sawyer

Baltimore County July 21. 1859

Dear Sir.

I herewith inclose you the deposition of Mr James D Sawyer who has acted as the Magistrate secretary and who is cognizant of the whole case, as I have a great many Witnesses to examine besides cross examine all of John T Days, I do not think I can possibly be ready before some time in October besides my Counsel Mr Richard Gittings will be occupied until about the Middle of that Month as he is permanently Attorney for Balto County and it would be very inconvenient for him to attend except during the recess of the Court, I therefore hope you will give the time I have been obliged