until within a short period when the appointment of the said John Eager Howard was made by the High Court of Chancery as aforesaid. Whereforeing same delay in the premises without the aid of this Honorable Court, where matters of this sort are properly cognizable and remediable, and to the end that this Court may restrain and enjoin the said John Eager Howard from the further prosecution of the ejectment suit against your Orator in the Circuit Court for Baltimore County your Orator prays that a writ of Injunction may issue commanding him to cease the prosecution of said suit. And further that the said John Eager Howard and Elizabeth Jernyngham may be required to file with their answer to this Bill, if in their possession or under their control, the original contract of lease before mentioned and that a writ of subpoena may issue directed to said John Eager Howard and Elizabeth Jernyngham commanding them to be and appear in this Court and answer the premises fully and particularly. And he further prays that the said John Eager Howard and Elizabeth Jernyngham may be commanded to make the Lease aforesaid to your Orator and that a Trustee may be appointed by this Court to make such Lease upon such terms as the Court may deem just and proper. And he prays for such other and further relief as his case may require and as to Equity may appertain,

And as in duty &c.

Benj: C. Barrow Solr for Compt.

On this Sixth day of August 1852 before me appeared William H. Carpenter and made oath in due form of law that the matters set forth in foregoing Bill are true to the best of his belief and knowledge.

"Filed 7th September 1852." Wm A. Bayard N. Pub. Bal. City

(Seal)

The State of Maryland.

To John Eager Howard & Elizabeth Jernyngham of Baltimore City. Greeting:

We command and enjoin you, that all excuses set aside, you be and appear in your person before the Judge of the Superior Court of Baltimore City, at the Court House in said City, on the first day of October next, to answer the Complaint of William H. Carpenter against you in the said Court exhibited. Hereof fail not, as you will answer the contrary at your peril. Witness, the Honorable William Frick, Judge of our said Court, the first day of September in the year of our Lord Eighteen hundred and fifty two.

Issued the seventh day of September 1852.

Edward Dowling Clerk.

Endorsed: Summoned ambo John Hayes. Shff.

filed 23d Sept. 1852.

Carpenter vs. Howard et al — In Superior Court in Equity. March Term 1854.

To His Honor William Frick. The Complainant shows to the Court, That on the seventh day of September 1852 he filed his Bill of Complaint in this Court against the defendants. That they duly appeared on the 13th day of September 1852 but that they have wholly failed to answer the Bill, as more fully appears by the Docket Entries hereto annexed. And the Complainant prays that an Interlocutory Decree may be passed, & that a Commission may be issued to prove the facts alleged in his Bill, and that the Discovery therein sought

may be taken pro confesso, and as in duty &c.

"Filed 4th March 1854." Benj. C. Barrow Solr for Compt.

In the Superior Court of Baltimore City. Equity side.

William H. Carpenter vs. John Eager Howard & Elizabeth Jernyngham

B. & B. } S. T. Wallis } for Complainant.
C. F. Lucas } D. W. T. } for Defendants.

7th September 1852. Bill of Compt. & Supe issued (Summoned ambo) 13th Sept. 1852 affd. of C. F. Lucas Esq. for Deft.

"Filed 4 March 1854." Test. Edward Dowling Clerk.

William H. Carpenter vs. John E. Howard et al — In Superior Court — Sitting in Equity. March 4th 1854.

The Defendants having been duly summoned to appear to the Bill of Complaint, and having appeared thereto, and having failed to answer the same. It is thereupon ordered this 4th day of March 1854 by William Frick, Judge of said Court, and by the authority of this Court adjudged ordered and decreed that the complainant is entitled to relief in the premises. But because it doth not certainly appear to what relief the Complainant is entitled, it is further adjudged and ordered, that a Commission issue to such person as shall be named by the complainant to take testimony to support the allegations of the Bill.

"Filed 4th March 1854." William Frick.

Carpenter vs. Howard &c — In Superior Court. — In Equity. To the Hon: William Frick.

The Complainant prays that a Commission to take Testimony in this case may issue to Andrew J. Sutton Esq. and as in duty &c.

Benj. C. Barrow Solr for Compt.

Issue Commission as prayed.

"Fd. 4th March 1854." Wm. Frick.

The State of Maryland.

To Andrew J. Sutton Esquire Commissioner named on the part of the Complainant. Know Ye, that you are appointed Commissioner to examine Witnesses in a case depending in the Superior Court of Baltimore City, on the Equity side thereof, between William Carpenter, Complainant and John Eager Howard and Elizabeth Jernyngham defendants. Therefore, you are requested, after having 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 witnesses as shall be named or produced to you, by the Complainant, and that you examine them upon their corporal oaths, to be by you administered on the Holy Evangely of Almighty God touching their knowledge or remembrance of anything that may relate to the cause aforesaid, and having reduced the depositions of the witnesses so taken by you into writing, you send the same, with this commission, closed under your hand and seal to the Judge of the said Court, with all convenient speed.