Circuit Court of Charles H Carter and others vs Charles B Calvert and others and to prevent the repetition of Evidence it is agreed that Evidence introduced into any of the said three causes or any thereof may be read at the hearing of any one or other of said causes as if regularly introduced therein and that if practicable the said three causes shall be heard at the same time and said causes are and to be treated as consolidated by force of this agreement, but that the Court shall Judge of either Party Moves therefor whether they shall be consolidated,

Thos S Alexander for Respts.
Charles B Calvert and Geo H Calvert
J Mason Campbell
for Carter and other parties except the

Thereupon in pursuance of the aforegoing agreement the Commission was issued to Frederick Pinkney Esq which said Commission has never been returned,

And thereupon by order of Court this cause is further continued until the first Monday in November Next.

At which Mentioned first Monday in November being the second day of the same Month in the year of our Lord 1857 come again into Court here as well the said Complainant as the said Respondents by their solicitors aforesaid,

And thereupon by order of Court this cause is further continued until the first Monday in February Next,

At which Mentioned first Monday in February being the first day of the same Month in the year of our Lord 1858 come again into Court here as well the said Complainant as the said Respondents by their solicitors aforesaid,

Whereupon the said Respondents by their Solicitors aforesaid file in Court here the following petition to wit

Charles H Carter
vs
Charles B Calvert
and others
} In Equity
Remanded the Late Court of Chancery.

To the Honorable Peter W Crain Judge of the Circuit Court for Prince Georges County sitting in Equity

The petition of Charles B Calvert and George H Calvert two of the Defendants humbly shews that they have Evidence competent Material and Necessary for the hearing of this cause on its Merits which Evidence they desire to introduce into this cause, and without which they are advised they cannot safely proceed to a hearing thereof

And as much as this cause is already fixed for hearing they respectfully suggest that henceforth a Commission issue and that they may have their

said purpose in consequence of Negotiations being opened between Counsel for the Complainant and Counsel for your petitioners, which I am hopeful and believe will result in admissions and concessions on both sides and thus render unnecessary the introduction of more formal testimony and that those Negotiations progressed so far that the cause was actually begun before your Honor in the City of Baltimore, on the Record as now stands with certain or all admissions and Waivers which the Counsel for the parties in your Honors presence stated be reduced into a formal agreement and filed in the cause before your Honors decision should be made known that since the argument of the cause, the Counsel for the petitioner has repeatedly appealed to the Counsel for the Complainant to unite with him in completing the said proposed agreement but without effect the Counsel on the other side and the other differing widely in regard to the facts which were accumulated before your Honor and which were to be incorporated into a formal agreement as aforesaid, and the Counsel for your petitioners has become satisfied that it will not be practicable to carry out said arrangement because of the difference in recollection of the said Counsel, and because manner of the desired declaration thus made by the Counsel for the Complainant to the Counsel for your petitioners, that he will sign no agreement which will be not all acceptable unless your petitioners will make a further agreement in reference to future proceedings in the cause which their said Counsel has no right to make Your petitioners further aver that they have no desire to delay the hearing of this cause but ask for postponement only to enable them to introduce into the cause Evidence which they are advised is Necessary to secure a trial of the cause on its Merits, They Humbly pray therefore that a Commission may issue to some suitable person or persons in the City of Baltimore and one other Commission to some suitable person or persons in Prince Georges County authorising them to take testimony in this cause and as in

duty bound

Thos S Alexander.
C. C. Magruder for Respts.

Baltimore City to wit.

On this 13 day of February 1858 before me a Justice of the peace in and for said City personally appeared Thomas S Alexander and made Oath that he is the person referred to in the aforegoing petition as the Counsel for the petitioners and that the matters stated in said petition are true to the best of his knowledge and belief,

Wm H Hayward

State of Maryland Baltimore City sct

I hereby certify that William