Because the Sheriff and Surveyor of the County aforesaid to whom the said warrant of resurvey was in form aforesaid directed make no return thereof to the Court here Whereupon the parties aforesaid by their attornies aforesaid pray further leave of the Court here to complete their survey under the old warrant by the second Tuesday of October next and to them it is granted and order thereon is made and sent to the Sheriff and Surveyor of the County aforesaid for that purpose Thereupon further process of and upon the premises aforesaid between the parties aforesaid by order of the Court here thereon is further continued until the second Tuesday of October next. At which said second Tuesday of October being the fourteenth day of the same month in the year of our Lord one thousand eight hundred comes again into the General Court here as well the aforesaid John Goodright Lessee of the said William Pancoast by Luther Martin William Branch and John Mackall Gantt his attornies as the said John Addison by his attornies aforesaid and the said John Addison by his attornies aforesaid offers himself ready for trial in the plea aforesaid Thereupon the aforesaid John Goodright Lessee of the said William Pancoast by his attornies aforesaid suggests to the Court here that he cannot safely proceed at this Term to the Trial of this cause for want of material and competent Testimony out of this State and prays that a further day may be given for the Trial thereof and also that Commissions may issue to Burlington and Gloucester Counties in the State of New Jersey and also to Fairfax County in the Commonwealth of Virginia to Examine Evidences in this cause and that the depositions to be taken under and in

virtue of the said Commissions and therewith returned may be read in Evidence at the trial of the issue aforesaid And thereupon the aforesaid John Goodright Lessee of the said William Pancoast by his attornies aforesaid files in Court here the following affidavit to Wit

Pancoast Lessee against Addison

William Pancoast the Lessor of the plaintiff deposeth and saith that Edward Pancoast and Joseph Pancoast of the State of New Jersey Burlington and Gloucester Counties are material and competent Witnesses for him in the Trial of this cause that he expects to prove by them that he is the heir at Law of James Pancoast formerly of Prince Georges County deceased under whom and as his heir at Law this deponent deduces his title and claims the Land in the declaration mentioned He also says that Mary Hews of Alexandria in Virginia is a material and competent Witness for him in the trial of this cause and that he expects that she will also prove the facts above stated he also swears that he cannot safely go to trial without the Evidence of the above Witnesses Sworn Before me 29th October 1800

Allen Lynn

which being by the Court here seen and for the suggestion of the aforesaid John Goodright Lessee of the said William Pancoast being sufficiently proved to the Court here according to the Act of Assembly in such case made and provided the same are granted him whereupon the aforesaid John Goodright Lessee of the said William Pancoast and the said John Addison by their attornies aforesaid pray the Court here that the same Commissions may be directed to Caleb Shreve Caleb Newbold William Griffith and Barzillai Newbold Gentlemen of Baltimore County to Elisha Clark Thomas Brown Caleb Newbold and William