

estate of Mr. Cramphin, your petitioner has from the start consulted with and acted under the advice of counsel, being uninformed himself and anxious to discharge strictly and faithfully the duties assumed by him, and upon the day after the service of the writ, he went to Rockville, and calling upon a member of the bar, a gentleman of acknowledged repute and standing, who had for years been his counsel, and in whom he had the most unlimited confidence, informed him that a Chancery summons, the nature and purport of which he did not understand, had been served upon him. This gentleman promptly and confidently replied in substance as follows: Give yourself no uneasiness about it; it is a writ issued upon a bill filed by me for Duffy to validate his deed, and to which as a matter of form you are a party. I will attend to it for you. Aware of the fact that Duffy had purchased from George Calvert a part of Cramphin's real estate, that there was a difficulty about his title, that as devisee or legatee under Cramphin's will he might be a necessary party to any suit instituted by Duffy to secure such title, and relying implicitly upon the assurances of his counsel, so promptly and confidently given, he returned home, satisfied that he had done all that was or could be required of him in obedience to the process of law, and remained in utter ignorance of said suit until on or about the 23d of January last, when its true character and position were fully disclosed to him.

And as a further ground for such security and confidence on his part, and as accounting for the mistake into which his counsel fell, your petitioner shows, first, that a suit had in fact been instituted by Duffy, which was then pending and to which he was a party defendant, but no writ issued therein had at that time or has at any time since been served upon him, and in fact but one Chancery summons has at any time been served upon him and to that he attended promptly in manner aforesaid; secondly, he has never accounted finally in the orphans court, the tribunal ordinarily resorted to in the first instance; and thirdly, that a suit had been instituted upon his bond in Montgomery county court, to obtain a settlement of his accounts and to accomplish precisely, in so far as he is concerned, the same objects as are aimed at in the chancery case. Your petitioner avers that he has been always anxious and ready to account and has been constantly expecting to account in one or other of the courts in Montgomery county, and while thus prepared and expecting to account there, neither he nor his counsel having the slightest suspicion or reason to suspect that he would be called on to account elsewhere, and his counsel expecting that your petitioner would be summoned in a suit known by him to be depending in Chancery, it is submitted that the mistake, resulting so unfortunately for him, is susceptible of easy and natural explanation. And your petitioner alleges that the delay in settling his accounts in Montgomery has arisen from circumstances beyond his control, and charges that he has ever submitted to the guidance of counsel better informed than himself as to the course which he should pursue, and reiterates the averment that he has ever been ready and anxious to enter upon a fair and proper adjustment of his accounts.

Your petitioner desires to advert to other facts, operating to keep