

on him by the sheriff of Anne Arundel county, in the city of Annapolis; and the defendant denies that he intended any contempt, &c.

10th July, 1816.—KILTY, Chancellor.—This petition was argued by counsel on each side. Those parts of the answer, respecting further credit, could not have any influence on the question, and were not relied on in the argument. But it appears, that *Crapster* had not such a possession of the land as to enable him to make a valid tender of it, under the decree; and, supposing, as contended, that *Griffith* was unwilling to comply with the decree, he ought not to be compelled so to do, without receiving what he is entitled to, which he might otherwise have to seek for after a compliance on his part. The objection as to the manner of offering the possession, would not be material, if *Crapster* held the land; because *Griffith* must have known where it lay.

As to the objection on the ground of residence, it appears, that by the practice in England, a person found in London may be attached there, though residing in a different county. I do not know, that a case of the kind has before occurred here; but it is not material in the present case, as, for the reasons above stated, the respondent *Lyde Griffith*, is discharged from the attachment, leaving the decree to be proceeded on hereafter, so as to have it finally executed.

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After which, on the 31st of May, 1817, this plaintiff *Basil Crapster*, filed another original bill against this defendant *Lyde Griffith*; in which he refers to and invokes the proceedings of the former suit into this; and then states, that the defendant had retained and received the profits of the negroes allotted to this plaintiff until the last day of November, 1816; that the commission, in the former case, under which proof had been taken ascertaining the sex and age of all the negroes in the possession of the defendant, which were of the estate of the late *Vachel Dorsey*, was closed on the 8th of September, 1810; since which time, and before the decree of the 12th of February, 1814, *Lucy*, one of the negroes decreed to the plaintiff, had had two children, the one named *Alfred*, and the other named *Cuffee*; and that *Milly*, another of the negroes decreed to the plaintiff, had also had a child in the same interval of time, named *Eliza*; which three negro children the defendant refused to deliver, and claimed as his own. That *Harriet*, the wife of this plaintiff, had joined him in a