

Where the equity of the bill appears to be doubtful; or where the magnitude, and nature of the subject enjoined is such as to

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Yates; that the defendant Rutland had no interest in her; that the petitioner was anxious to send her to Europe, and had accordingly written to have insurance made on her voyage; that, while here idle, she was decaying, and would be soon destroyed by the worms; that he was willing to pay what might be found due the plaintiff, and prayed that the injunction might be dissolved on his giving bond, &c.

ROGERS, C., 11th June, 1786.—Ordered, that an account be adjusted, made, and taken by auditors of and upon the several transactions mentioned, and set forth in the bill, answer and exhibits filed in the said cause.

By consent, three persons were appointed as auditors, &c.

ROGERS, C., 24th July, 1786.—Upon hearing the petition of John Petty, one of the defendants, in presence of the parties, by their counsel; it is *ordered*, that the injunction issued in this cause, so far as it relates to the ship Kitty, be dissolved upon the said John Petty giving bond, with good surety, to be lodged in and approved by this Court, to abide by, observe and perform the final decree of this Court; but that the injunction shall continue and remain in full force as to the salt in the said injunction mentioned.

On the 4th December, 1786, before me the subscriber, one of the Justices of the Peace for said county, personally appeared William Jessop Vickers and made oath, that on the thirtieth day of November last he, as clerk on a commission from Chancery, wherein Andrew Bryson is complainant, and John Petty and Thomas Rutland are defendants, issued a summons signed Thomas Harwood and John Muir, commissioners appointed by the High Court of Chancery, to examine evidences on behalf of Andrew Bryson, complainant, and John Petty and Thomas Rutland, defendants. Which summons was directed to the sheriff of Calvert County to execute, and is in the words and figures following, to wit:

*Maryland, scd.*—The State of Maryland, to William Richards, now of Calvert County, greeting:—You are hereby commanded, that all excuses set apart you personally be and appear before the commissioners appointed by the High Court of Chancery, at the City of Annapolis, on Saturday the second day of December next, to testify on behalf of Andrew Bryson complainant, and John Petty and Thomas Rutland defendants: hereof fail not as you will answer the contrary at your peril. Witness our hands this 30th day of November, 1786.—Thomas Harwood, John Muir, commissioners. To the sheriff of Calvert County.”

Which said summons was duly served as appears by the return on the back thereof, to wit:—“Summoned. W. Allen, sheriff.” This deponent saith, that although the said summons was duly served as aforesaid, the said William Richards neglected to appear according to the direction thereof, which prevented the said commissioners proceeding in the execution of said commission.

ROGERS, C., 4th December, 1786.—Issue attachment of contempt against the said William Richards, returnable next Court.

No further proceedings being had under this order; the case was brought before the Court for final hearing.