

● In extraordinary cases, however, the course of the court has always been varied to suit the emergency, or the peculiar circumstances. (e)

(e) Eden Inj., 235.

BRYSON v. PETTY.—The bill, filed on the 13th of May 1786, by Andrew Bryson against John Petty and Thomas Rutland, states, that the plaintiff was the master and commander of the ship *Kitty*, then lying in the harbour of Annapolis, of which the defendants were the owners; that the plaintiff had made several voyages in the ship, as master; and been under the necessity of making sundry disbursements, and incurring considerable expenses on account of repairs, &c. for the ship; that the defendants had refused to account with, or reimburse him the amount thereof; and had, by a writ of replevin, taken the ship, with her cargo of salt, from his possession; were about to send her out of the country, and to go themselves beyond the jurisdiction of this court. Prayer for general relief; for an injunction to prevent the removal of the ship and cargo; and for a *ne exeat* to prohibit the defendants from leaving the State. This bill was sworn to in the usual general manner. And there does not appear to be any other specification of the claim or amount due than by a general reference to the exhibits.

13th May, 1786.—**ROGERS, Chancellor.**—Issue *subpœna, ne exeat*, and injunction as prayed, with liberty, nevertheless, for the said John Petty to proceed to the trial of his replevin at law, but to stay execution on any judgment he may obtain therein, until further order.

The defendant, Petty, by his petition, stated, that he had filed his answer, that the ship *Kitty* belonged to him and his partner in England, Joseph 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.

11th June, 1786.—**ROGERS, Chancellor.**—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.

24th July, 1786.—**ROGERS, Chancellor.**—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, act.*—The State of Maryland, to William Richards, now of Calvert