

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

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.

4th December, 1786.—ROGERS, Chancellor.—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.

28th March, 1787.—ROGERS, Chancellor.—Decreed, that the defendant Petty pay to the plaintiff the sum of £647 14s. 9d., with interest from 7th April, 1786, until paid, and costs; and further, that the defendant Petty give bond, to be approved by the Chancellor, to indemnify the plaintiff for any claims that may be made against him on account of the ship Kitty; and that the injunction so far as respects the prosecution of the replevin remain in full force, &c.

The defendant John Petty, having been served with a copy of the decree; the plaintiff, by his petition, stated, that the defendant Petty had appealed, but had not given bond; that he had not paid the sum of money decreed; that he had not given the bond of indemnification decreed; and that he had disposed of the salt, on which the plaintiff had a lien, in violation of the injunction. Prayer for a *ca. sa.* against Petty for the sum decreed; and for attachments for not giving the bond of indemnification, and for a breach of the injunction.

2d May, 1787.—ROGERS, Chancellor.—Ordered, that *ca. sa.* and attachment to compel indemnification according to decree issue according to the prayer of the plaintiff's petition.

Afterwards the plaintiff called on the sheriff to bring in the defendant under the *ca. sa.*, and the defendant moved to set it aside.

24th May, 1787.—ROGERS, Chancellor.—The *ca. sa.*, in this case, issued with propriety, and the plaintiff ought to be at liberty to call it; and the defendant John Petty being brought into court, he is thereupon, on the prayer of the plaintiff, committed in execution of the decree aforesaid to the sheriff of Ann Arundel county.

Who being present took charge of him accordingly, and committed him to close custody in a chamber of the house of George Mann, (the tavern,) the same being used as a gaol. X

McMECHEN v. STORY.—This bill was filed on the 23d of December, 1806, by David McMechen against Thomas Yates, Alexander Story, and The Mayor and City Council of Baltimore, to obtain an injunction to stay proceedings at law in a suit which had been instituted in the name of The Mayor and City Council of Baltimore,