of the Defendant having remained at the place so appointed till the said time had so elapsed and did then depart and return home after which the said plaintiff returned to the said City of Alexandria presented the said Commission to the Commissioners and proceeded ex parte and without any notice to the Defendant or any new appointment to take the Examinations of two only of the Witnesses named in the said Commission which depositions he afterwards returned to the said Arbitrators before the said award was made

2nd For that the said Arbitrators notwithstanding that the said Defendant did attend before them and did inform them of all the aforesaid matters and circumstances offering to prove the same by legal and competent Testimony and did thereupon pray an opportunity to obtain the Testimony of which he had been thus deprived and did also object to the said Exparte depositions being received or considered by the said Arbitrators in making up their said award did nevertheless refuse to grant him such opportunity and did receive and consider the said Exparte depositions in making up their said award 3 That for the said is award is informal irregular and wholly void Robt G. Harper. Defts Atty

Bal because the Court here are not advised to give their judgment of and upon the premises day therefor is given to the parties aforesaid before the Court here until the second Tuesday of October next to hear their judgment of and upon the premises because the Court now here thereof are not yet advised and so forth At which said second Tuesday of October being the eleventh day of the said month in the year of our Lord one thousand eight hundred and three comes again into the General Court here as well the said Isaac McPherson by his Attornies aforesaid as the said James Jaffray by his Attornies aforesaid Whereupon by consent of the said parties by their Attornies aforesaid it is ruled by the Court here that affidavits taken Before a Justice of the peace in the City of Baltimore by either of the said parties upon one days notice to the

opposite party be read and received as Evidence upon the motions in this case And afterwards in this same Term the parties aforesaid by their Attornies aforesaid in pursuance of the agreement aforesaid file in Court here the following affidavits To Wit

Balto October 22nd 1803

James Jaffray

Please to take notice that on Mondy the 24th Instant between the hours of 9 & 10 Oclock in the morning at the mayors Office in this City I shall proceed to take the depositions of Alex McKim and Luke Tiernan to be produced as Evidence in a suit in General Court of this State now depending where on I am the plaintiff and you the defendant

Isaac McPherson

October 24th 1803 came before me James McTagart and made oath that he left a copy of the above notice at the house of James Jaffray on Saturdy the 22nd Inst with an elderly man

Owen Dorsey

Isaac McPherson a Bankrupt for the use of Timothy Brundige and Benjamin Botts his Assignees
vs
James. Jaffray

Baltimore County Sct

In the General Court on this Twenty fourth day of October Eighteen Hundred and three between the hours of nine & ten at the mayors Office in the City of Baltimore Oclock in the forenoon before me Edward J. Cole one of the Justices of the peace for the County aforesaid personally appeard Alexander McKim and Luke Tiernan Esquires who being severally sworn depose and say that under rule of the General Court aforesaid they were appointed arbitrators in the above action and that in investigating the facts relative thereto they the deponents deemed it proper at the request of the defendant to cause to be Examined certain Witnesses at Alexandria in the District of Columbia that a Copy of the names of six persons they or any three of them appointed to take said Examination with