prays further leave to imparle hereunto untill next Court, and he hath it and the same day is given to the plaintiff also.

Afterwards to wit on the second Tuesday of March seventeen hundred and eighty nine, come as well the said Andrew McDonald by Gabriel Duvall his attorney aforesaid as the said John Francis Mercer by Jeremiah Townley Chase his attorney aforesaid, and the said John Francis Mercer by his said attorney produces to the Court here the State's writ of Habeas Corpus which is allowed by the Court, and the Record ordered to be transmitted accordingly

The State of Maryland Sc. To the Justices and Sheriff of Anne Arundel County Greeting. Whereas a certain John Francis Mercer is detained in the prison of our said County under the custody of you our said Sheriff at the suit of a certain Andrew McDonald of a plea of trespass on the case and so forth, which said plea as it is said still depends before you our said Justices undetermined, and we being willing for divers causes that the plea aforesaid, undetermined as aforesaid, should be heard and determined before the Judges of our General Court, therefore we command you that you have the body of the said John Francis Mercer by whatsoever name or names, he may be called in the plea aforesaid, together with the cause of his caption and detention and all things thereunto relating before the Judges of our General Court to be held at the City of Annapolis the second Tuesday of May next that the Judges of our said General Court may further procead therein as to Justice appertains and so forth, Hereof fail not at your peril and have you then and there this writ, Witness the Honourable Robert Hanson Harrison Esquire Chief Judge of our said Court this 18th day of November Anno Domini 1788

Issued the 4th day of March Anno Domini 1789. (J. T. Chase) Inn. Gourn. Cl

(Seal of Ann Arundel County) In testimony whereof I have hereunto set my hand and affixed the seal of Office this 2nd day of April anno Domini 1789. Nich Harwood Cl

At which said second Tuesday of May being the twelfth day of the same month anno Domini seventeen hundred and eighty nine, and the day of the return of the aforegoing writ of Habeas Corpus comes into our General Court here as well the said Andrew McDonald by Gabriel Duvall his attorney, as the said John Francis Mercer by Jeremiah Townley Chase his attorney. And the said John Francis Mercer by his attorney aforesaid defends the force and injury when and so forth and prays leave to imparle hereunto until next Court, and he hath it, and the same day is given the plaintiff also.

At which said next court to wit the second Tuesday of

October being the thirteenth day of the same month anno Domini seventeen hundred and eighty nine comes here again as well the aforesaid Andrew McDonald by his attorney aforesaid, as the said John Francis Mercer by Richard Sprigg his attorney. And the aforesaid John Francis Mercer by Richard Sprigg his said attorney as before defends the force and injury when and so forth, and prays further leave to imparle hereunto until next Court, and he hath it. and the same day is given to the Plaintiff also

At which said next Court to wit the second tuesday of May being the eleventh day of the same Month anno Domini seventeen hundred and ninety comes here again as well the aforesaid Andrew McDonald by his attorney aforesaid as the aforesaid John Francis Mercer by his attorney aforesaid, and the said John Francis Mercer by his attorney aforesaid as before defends the force and injury when and so forth and saith that he the said John Francis Mercer did not assume upon himself in such manner and form as the said Andrew McDonald above against him hath complained and of this he puts himself upon the Country, and the said Andrew McDonald in like manner &c so forth

Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next by whom &c and who neither &c to recognize &c because as well &c the same day is given to the parties aforesaid then and there &c

At which said second Tuesday of October being the twelfth day of the same month anno Domini seventeen hundred and ninety comes here again as well the said Andrew McDonald by his attorney aforesaid as the aforesaid John Francis Mercer by his attorney aforesaid, Thereupon the parties aforesaid move the Judges here that the whole matters in the premises between them in variance may be referred according to the approved custom of the court here to persons indifferently to be appointed by the same Judges to adjust the same Whereupon by consent of the attorneys and the parties aforesaid It is ruled by the same Court that Doctor Upton Scott and Thomas Hyde be appointed Referees between the parties aforesaid, and on their disagreeing, to chuse a third person, and that they or any two of them, when the whole matter concerning the premises between the said Andrew McDonald, and the said John Francis Mercer in variance being fairly adjusted have their award in writing under their hands and seals, and return the same to the Court, and Judgment of the Court to be rendered according to such Award, and be final between the said parties with power to examine Evidences on Oath by consent of both parties, Plaintiff and Defendant, and their attornies aforesaid,

(Thereupon