deliver the said Agreement to him the said Ignatius Hayden to be cancelled
The said Ignatius Hayden further makes Oath that he believes and expects
that the said Robert Price will prove that the said George Arnold took the
said Patent of Land into his possession some time in the aforesaid month of November
in the year of our Lord one thousand seven hundred and eighty nine in discharge of
the said contract and Articles of Agreement and never returned it to the said
Ignatius Hayden antecedent to the first day of December one thousand seven
hundred and eighty nine or at any time since, And the said Ignatius Hayden
further makes Oath that he fully believes and expects that if this cause is continued
until next October Term that the said Robert Price who resides in Saint Mary's
County can be procured by the process of this Court to give his Evidence in this cause
at the aforesaid Term. Sworn to in Open Court the 15th May 1794.

McGwinn Clk

And because the Plaintiffs Counsel refuses to admit the facts stated in the
Affidavit or to take Depositions on Interrogatories, therefore on the prayer of the
said Ignatius Hayden by his Attorney aforesaid it is ruled by the Court here
that the said Ignatius George Hayden recover against the said George Arnold the quantity
of pounds of Tobacco his Costs of Suit by him laid out and expended since
the last continuance of the plea aforesaid. But for that the Commissioners
aforesaid to whom the said Commission was directed make no return thereof, and
this Cause standing ready for trial the said Ignatius Hayden by his Attorney
aforesaid suggests to the Court here that he cannot safely proceed at this Term
to the Trial of this cause for want of material, competent, and proper Testimony
out of this State; and prays that a further day may be given for the trial thereof;
and also the Commission of the Court to issue to Hampshire County in the Commonwealth
of Virginia to examine evidences, and that the Depositions returned with the said
Commission may be read in evidence on the trial of the Issue aforesaid: Whereupon
the aforesaid George Arnold and the aforesaid Ignatius Hayden by their Attorneys
aforesaid pray the same Commission be directed to Elias Polston, George Martin
Rees Prechard, and Abraham Pugh Gentlemen of Hampshire County in the
Commonwealth of Virginia or any three or two of them to examine Vela returnable
to the Court here with all convenient speed Vela, and the same is issued accordingly
Thereupon further Process of and upon the Premises aforesaid between the parties
aforesaid by consent of the said parties, and their Attorneys aforesaid, and by
Order of the Court here thereon is further continued until the second Tuesday of
October next following.

And now at this day, to wit, the said second Tuesday of October being the fourteenth
day of the same Month in the year of our Lord one thousand seven hundred and
ninety four, comes into the General Court here as well the said George Arnold by
his Attorney aforesaid, as the said Ignatius Hayden by his Attorney aforesaid,
And the Commissioners to whom the said Commission was directed in pursuance

to

to the Command therein contained make return of the Commission with the following
Interrogatories, Depositions, and Patent.

The State of Maryland, To Messrs Elias Polston, George Martin, Rees Prichard
and Abraham Pugh of Hampshire County in the Commonwealth of Virginia, Greeting
Know ye, that we have appointed you, or any three or two of you, to be our Commissioners
to examine evidences in a cause depending in our General Court for the Western Shore
of the said State between George Arnold Plaintiff, and Ignatius Hayden Defendant
We therefore request you or any three or two of you that at such time and place as to
you or any three or two of you shall seem convenient you cause to come before you or any
three or two of you all such evidences as shall be named or produced to you or any three
or two of you by either the Plaintiff or Defendant, and that you or any three or two of you
examine them upon their Corporal Oaths, to be by you or any three or two of you administered
on the Holy Evangels of Almighty God touching their knowledge or remembrance
of any thing that may relate to the cause aforesaid; and that you or any three or two of
you cause Notice to be given to the parties, or their Attornies, of the Execution of this
Commission before you execute the same; and having reduced the Depositions of the
Witnesses so taken by you or any three or two of you into writing, you send the same
with this our Commission, closed under your, or any three or two of your hands and Seals
to us in our said Court, with all convenient Speed. Witness the Honourable Samuel
Chase Esquire Chief Judge of our said Court the thirty first day of May Anno Domini
one thousand seven hundred and ninety four.

Issued the third day of June 1794. McGwinn Clk

John Tillason Esqr Atty for Pltff. Walter Dorsey Esquire Atty for Deft

The Oath of a Commissioner prescribed by Act of Assembly of the State of Maryland

You shall according to the best of your skill and knowledge, truly, faithfully, and
without partiality to any or either of the parties take the examinations and depositions
of all and every Witness and Witnesses produced and examined by virtue of the
Commission hereunto annexed upon the Interrogatories now, or which may hereafter
before the said Commission is closed, be produced to and left with you by either of the
said parties.

The Clerks Oath

You shall truly, faithfully, and without partiality to any or either of the parties in
this Cause, take, write down, and transcribe the Depositions of all and every the
Witnesses produced before and examined by the Commissioners or any of them named
in the Commission hereunto annexed as far forth as you are directed and employed
by the said Commissioners, or any of them to take, write down, and transcribe the
said Depositions or any of them. So help you God

Sept. 15th 1794. We the Subscribers having this day met at the House of Col.
Elias Poston in the County of Hampshire & State of Virginia for the purpose of
prosecuting the annexed Commission to us directed, and having taken the Oath
prescribed by Law for us to be taken in such cases, a Copy whereof is hereunto also
annexed We proceed to appoint William Carlyle our Clerk for the purpose of

executing