Defendant by his said attorney 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 9th day of March Anno Dom 1756
Comes again as well the said Stephen Bordley in his proper person as
the said Edward Magdennill by his attorney aforesd and the said Edward
Magdennill by his said attorney as before defends the force and Injury
when &c and produces to the Court here his Lordships writ of Habeas
Corpus the Tenor whereof follows in the words, Viz.

Maryland ss, Frederick absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore &c. To the Justices and Sheriff of Ann Arundel County Greeting, Whereas a Certain Edward Magdennill late of Ann Arundel County is detained in the Prison of your said County under the Custody of you our said Sheriff at the Suit of a Certain Stephen Bordley of a Plea of Debt which said plea and it is said that the Defendant before you our said Justices undetermined and lately tarrying for want of Law that the plea aforesaid undetermined as aforesd shall be heard and determined before the Justices of Our Provincial Court, Therefore We Command you that you have the Body of the said Edward Magdennill by the name of Mr Edward Magdennill called in the Plea aforesd together with the day and Cause of his Caption and detainer and all things thereunto relating before the Justices of Our Provincial Court to be held at Annapolis the third Tuesday of May next that our said Justices of Our Provincial Court may further proceed therein as to Justice appertains &c. Witness &c. Fail not at your peril and have you then &c. Witness John Bruce Esq. Chief Justice of our said Provincial Court the 20th day of October in the 5th year of Our Dominion &c. Anno Dom 1755 — (Dudleany)

Ex. March 12th 1756 allowed per Jno Bruce . . William Stewart Clk

Which being read and heard was allowed of and the Record and proceedings together with all things thereunto relating is ordered to be transmitted to the next Provincial Court accordingly. —

(Seal of Ann Arundel County Court) In Testimony whereof the publick Seal of Ann Arundel County Court aforesaid is hereunto affixed this third day of April Anno Domini 1756 — per John Bruce Clk Ann Arundel County Court

And now here at this day to wit the said third Tuesday of May being the 13th day of the same month Anno Dom 1756 Comes into his Lordships Provincial Court here as well the said Stephen Bordley in his proper person as the said Edward Magdennill by Daniel Dudleany his attorney aforesd and the said Edward Magdennill saith that he ought the said Debt aforesd by virtue of the writing Obligatory aforesd ought not to be charged because he saith that that writing is not his Deed and of this he puts himself upon the Country &c. and the aforesd Stephen in like manner &c. And the aforesd Edward by his attorney aforesd with leave of the Court here according to the form of the (Statute)

Statute in such Case made and provided further defends the force and Injury when &c. and saith that the said Stephen his Action aforesd against him to have or maintain Ought not because he saith that he the said Edward did pay the aforesd Sum of Twenty Eight pounds eleven Shillings and five pence Sterling with Legal Interest for the same to the said Stephen according to the form and Effect of the Condition of the said writing Obligatory to wit at Ann Arundel County aforesd and this the said Edward is ready to verify &c. Wherefore he prays Judgment if the said Stephen his Action aforesd against him to have or maintain Ought &c. And the aforesaid Stephen as to the second plea aforesaid by the said Edward above pleaded saith that he by anything in the same plea alleged from having and maintaining his Action against him to be precluded Ought not because he saith that the aforesaid Edward hath not paid to him the said Stephen the aforesaid Sum of Twenty Eight pounds eleven Shillings and five pence Sterling with Legal Interest for the same according to the form and Effect of the Condition aforesaid as the aforesaid Edward above in his plea aforesaid hath alleged and this he prays may be inquired of by the Country and &c. forth and the aforesaid Edward in like manner and &c. forth —

Whereupon for trying the Issues aforesaid Command is given to the Sheriff of Ann Arundel County that he Cause to Come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in this County if they shall sooner that time to wit on Monday the thirteenth day of September next to the County Court House in the said County Come Twelve Good and Lawful men of his Bailiwick by whom &c. to be more &c. to Recognize &c. because as well &c. Afterwards the process continued between the parties aforesd in the plea aforesd by the Jury being first thereon in Respite hereunto till the third Tuesday of October next unless the Justices of his Lordship the Lord Proprietary to take the Assizes in the said County assigned on Monday the thirteenth day of September next to the County Court house in the said County shall come And now here at this day to wit the third Tuesday of October being the 19th day of the same month Anno Domini 1756 Comes again into his Lordships Provincial Court as well the said Stephen Bordley by his attorney aforesaid as the said Edward Magdennill by his attorney aforesaid But the Sheriff hath not sent his writ —

Nevertheless the aforesaid Edward Magdennill by his attorney aforesaid Relinquishing the Arrements above by him pretended saith that he cannot deny the Action aforesaid of him the said Stephen Bordley &c. as aforesaid above against him brought nor but that the writing Obligatory aforesaid is the Deed of him the said Edward Magdennill, nor but that he owes the said Stephen Bordley

(the)