the Court to imparle hereunto until next Court and he hath and the same day is given the Plaintiff also

At which said next Court to wit the second tuesday of May being the thirteenth day of the same month Anno Domini seventeen hundred and eighty eight, come again here into our General Court as well the said David Rush by his Attorney aforesaid as the said James Carey by his Attorney aforesaid And the said David Rush by his Attorney aforesaid moves the Judges of our General Court here to withdraw his Declaration aforesaid against the said James Carey by him above set forth and to amend his Declaration aforesaid in the plea aforesaid, which is granted him according to the form and effect of the Act of Assembly in such case made and provided, Whereupon the said David Rush by his Attorney aforesaid files in Court here his amended Declaration against the said James Carey in the plea aforesaid as follows to wit

Baltimore County to wit, James Carey late of Baltimore County was attached to answer unto David Rush in a plea of trespass upon the case and so forth, And whereupon the said David Rush by Francis Curtis his Attorney complains that whereas the aforesaid on the twenty ninth day of December in the year of our Lord seventeen hundred and seventy four at Baltimore County aforesaid was indebted unto the said David in the sum of nine pounds seven shillings current money for meat drink washing lodging nursing and other necessaries found and provided by the said David for the said James and at his special instance and request as by a particular account thereof herewith brought into Court may appear and being so indebted the said James in consideration thereof afterwards to wit the same day year and place last aforesaid upon himself assumed and to the said David then and there faithfully promised to pay to the said David the aforesaid sum of nine pounds seven shillings current money as aforesaid when he should be thereunto afterwards requested by the said David, And also whereas the aforesaid James afterwards to wit the same day year and place last above mentioned in consideration that the said David at the like special instance and request of the said James had before that time found and provided for him other meat drink washing lodging nursing and other necessaries assumed upon himself and then and there faithfully promised the said David that he the said James would pay to the said David so much money as he therefore reasonably deserved to have when he the said James should be thereunto afterwards requested and the said David in fact saith that he did therefore reasonably deserve to have of the said James for the same nine pounds seven shillings of like current money as aforesaid of which the said James afterwards to wit the same day year and place aforesaid had notice from the said David, Nevertheless the aforesaid James his several promises and assumptions in aforesaid in form aforesaid made not in the least regarding but contriving and fraudulently intending the aforesaid David in this behalf craftily and subtilly to deceive and defraud the said several sums of Money or any part thereof to the said David he hath not paid or for the same to the said David any ways contented although to do this the aforesaid James afterwards to wit the same day year and place last aforesaid and often times since hath been requested by the said David, but the same to the said David to pay or for the same any ways to content he hath altogether refused and still doth refuse to the damage of the said David thirty pounds current money, and therefore he brings suit and so forth.

Francis Curtis pro Deo

Pledges of the Prosecution { John Doe and Richard Roe

The Account mentioned in the aforegoing Declaration is as follows to wit —

Dr.

Dr. Mr. James Carey in Account with David Rush Cr.

1773 Mar. 10th	To expences	£ .. 1 .. 6	1774	By expences charged in your Acct £	.. 1 .. 6
1774 Feby. 16th	To 9 week board from 18th Dec. 1773 to this date at 15/	6 .. 15 .. 0	Feby. 15th	By cash	6 .. 0 .. 0
			Mar. 1	By Ditto	3 .. 0 .. 0
" "	To sundry expences	5 .. 5 .. 3½		By 2 cases of Ginewa at 105/	4 .. 10 .. 0
May 10th	To Ditto Ditto	6 .. 4 .. 8	June 28th	By cash	3 .. 15 .. 11½
22	To Do Do	7 .. 5 .. 9		By Balc. due David Rush	9 .. 7 .. 0
27	To Bitters	 3			
	To 2 week board to Feby. 27th omitted	.. .. 7 .. 6			
Dec. 29th	To expences	.. .. 14 .. 6			
	£	26 .. 14 .. 5½		£	26 .. 14 .. 5½

To Balance due D. Rush 9 .. 7 .. 0

To Interest on Do from 29th Dec. 74 to 1st Sept. 85 is 11 .. 8 .. 0 } 6 .. 11 .. 0

at 6 p C. p Ann. 15 .. 18 .. 0

Baltimore County to wit, on the 29th day of October in the year of our Lord 1785 personally appeared the within named David Rush before me the subscriber one of the Justices of the peace for Baltimore County aforesaid and made oath upon the Holy Evangels of Almighty God that the within Account as it stands stated is just and true to his knowledge and that he hath not directly or indirectly received either part or parcel thereof or any security or satisfaction for the same more than the Credits within given, Sworn before me. Peter Shepherd.

And the said James Carey by his Attorney aforesaid defends the force and injury when and so forth and prays leave of the Court 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 October being the fourteenth day of the same month Anno Domini seventeen hundred and eighty eight, come again here into our General Court as well the said David Rush by his Attorney aforesaid as the said James Carey by his Attorney aforesaid, And the said James Carey by his Attorney aforesaid as before defends the force and injury when and so forth and saith that he did not assume upon himself in such manner and form as the said David Rush above against him hath declared and of this he puts himself upon the Country and the said David Rush in like manner and so forth.

Therefore let a Jury thereon appear before the Judges of our General Court here on the second tuesday of May next, by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c.

And now here at this day to wit the said second tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eighty nine, comes again here into our General Court as well the said David Rush by his Attorney aforesaid as the said James Carey by his Attorney aforesaid — And the said David Rush by his Attorney aforesaid prays judgment of Procedendo and Costs of suit for that the said writ of Habeas Corpus is said erroneously. Whereupon all and singular the premises being by the Court here seen heard and fully understood and mature Consideration thereupon had for that it seems to the Court here that the writ of Habeas Corpus aforesaid is said erroneously. Therefore it is commanded the said Justices of the County Court of Baltimore that they proceed in the Action aforesaid as if the said writ

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