Nevertheless the aforesaid Stephen his promise and assumption aforesaid not regarding but intending the same Joshua in this part to defraud the aforesaid sum of Money or any part thereof to the said Joshua yet hath not paid (altho to do the same by the aforesaid Joshua the aforesaid Stephen on the twentieth day of November in the year seventeen hundred and eighty six and often afterwards at the County aforesaid was required) but the same to him to pay altogether hitherto hath refused and still doth refuse to the damage of the said Joshua one hundred pounds current money of Maryland and therefore he brings suit and so forth.

Archibald Robinson Atty for Plff. Pledges to prosecute { John Doe and Richard Roe.

And the said Stephen Steward Junr. 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, comes again here into our General Court as well the said Joshua Byron by his Attorney aforesaid as the said Stephen Steward Junior by his Attorney aforesaid. And the said Stephen Steward Junior by his Attorney aforesaid as before defends the force and injury when and so forth, and saith that the said Joshua Byron his action aforesaid thereof against him to have or maintain ought not ought because he saith that he the said Stephen Steward Junior did pay unto the said Joshua Byron the said sum of Money in the promissory note mentioned with legal interest thereon according to the form and effect of the said note, and this he is ready to verify, wherefore he prays Judgment if the said Joshua Byron his action aforesaid against him to have or maintain ought &c.

And the said Joshua Byron saith that he by anything by the said Stephen Steward Junr. above by pleading alledged from having or maintaining his Action aforesaid against him ought not to be precluded because he saith that the said Stephen Steward Junior hath not paid unto him the said Joshua Byron the said sum of Money in the note aforesaid mentioned with the interest thereon in such manner and form as the said Stephen Steward Junior above by pleading alledged, and of this he prays may be enquired of by the Country and the said Stephen Steward Junior 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 there 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 Joshua Byron by his Attorney aforesaid as the said Stephen Steward Junior by his Attorney aforesaid.

Nevertheless the said Stephen Steward Junior by his Attorney relinquishing the assumption above by him pretended saith that he cannot deny the action aforesaid of the said Joshua Byron as aforesaid against him brought, nor but the said Joshua Byron hath sustained damage by occasion of the promise and assumption aforesaid mentioned to the value of fifty three pounds two shillings current money in such manner and form as the said Joshua Byron above against him hath complained, besides his costs and charges by him about his suit in this behalf laid out and expended, And because the said Joshua Byron says he cannot gainsay but that the allegation of the said Stephen Steward Junr. is true he prays

prays Judgment for the damages aforesaid in form aforesaid confessed together with his costs and charges to him to be adjudged &c.

Therefore it is considered by the Judges here that the said Joshua Byron recover against the said Stephen Steward Junior as well the sum of fifty three pounds two shillings current money his damages aforesaid in form aforesaid confessed as also the quantity of eight hundred and two pounds and three fifths of a pound of Tobacco by the Court here unto him on his assent adjudged for his costs and charges by him about his suit in this behalf laid out and expended and the said Defendant in mercy &c.

Memorandum, Judgment was rendered in this cause on the twenty sixth day of May Anno Domini seventeen hundred and eighty nine, and the Plaintiff agrees to stay Execution until the twenty first day of August next.

Ex d. Test John Gwinn Clk.

George Lindenberger against Francis Curtis.

Be it remembered that heretofore to wit on the second day of November Anno Domini seventeen hundred and eighty seven, The Plaintiff sued out of our General Court here by Robert Smith his Attorney the State of Maryland a writ of Certiorari directed to the Justices and Clerk of Baltimore County in the words & figures following to wit

The State of Maryland Sc. To the Justices and Clerk of Baltimore County Greeting we being willing for certain causes to be certified of the Record and proceedings of a certain action before you depending between George Lindenberger Plaintiff and Francis Curtis Defendant in a plea of Scire facias and so forth, command you that the Record & proceedings in the action aforesaid with all things thereunto relating as far as before you it remains by whatsoever names the parties in the same are distinguished to our Judges of our General Court to be held at the City of Annapolis the second Tuesday of May next under your hands & seals ye send together with this writ that our said Judges may further do therein that which of right they see ought to be done and have you then and there this writ, Witness Robert Hanson Harrison Esquire chief Judge of our said Court the 9th day of October Anno Domini 1787.

Issued the 2d day of November 1787. (A Martin) Thos. B. Hodgkin Clk.

At which said second Tuesday of May to wit, the thirteenth day of the same month Anno Domini seventeen hundred and eighty eight, and the day of the return of the aforegoing writ, the Justices and Clerk of Baltimore County to whom the same writ was made & directed in pursuance thereof and according to the form of the Act of Assembly in such cases made & provided make return thereof to the Court here with the following Record to wit

Baltimore County to wit, At a County Court of the State of Maryland held at the Court House in Baltimore Town in and for the County aforesaid the Monday before the first Tuesday in November in the year of our Lord one thousand seven hundred and eighty seven

Present, John Moale, Benjamin Rogers, George Ely Presbury, Isaac Hobbs, Jeremiah Johnson, Charles Ridgely of Wm., Abraham Vn. Bibber, Thomas Ruxell, William Ruxell Thomas Elliott, John Coulter, Clyde Goodwin, John E. Howard, Richard Owings, Edmund Stansbury, Thomas Bailey, Gentlemen Justices.

Philip Graybell Esquire Sheriff. William Gibson Clk.

Among other were the following proceedings Viz.

George