and ninety one come again the said parties Plaintiff and Defendant by their attorneys aforesaid and the said Defendant by his said attorney prays further leave to imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also.

And the aforesaid Joseph Bowman by Thomas Buchanan his attorney comes and defends the force and injury when and soforth and saith that the said Joseph Bowman deceased did not assume upon himself in manner and form as the aforesaid Richard Beard above against him hath complained and of this he puts himself upon the Country and soforth and the aforesaid Joseph Bowman by leave of the Court here according to the statute in such case made and provided further comes and defends the force and injury when and soforth and saith that the aforesaid Richard Beard his action aforesaid against him to have ought not because he saith that the aforesaid Joseph Bowman deceased did not assume upon himself at any time within three years before the day of the impetration of the writ original of him the said Richard Beard in this cause in manner and form as the aforesaid Richard above against him hath complained and this he is ready to verify &c. wherefore he prays Judgment if the aforesaid Richard his action aforesaid against him ought and soforth and the said Richard in like manner. and the said Richard saith that he by any thing in the plea of the said Joseph secondly above in pleading alledged ought not to be precluded from having his action aforesaid against him because he says that he the said Richard on the day of in the year seventeen hundred and ninety sued out his original writ in the plea aforesaid against the said Joseph and that the said Joseph within three years next before the day of impetration of the original writ in this cause did assume upon himself in manner and form as the above Richard hath complained against him and this he prays may be enquired of by the Country and the said Joseph in like manner and soforth.

At which said next Court to wit, the third monday in September seventeen hundred and ninety one come again the said parties Plaintiff and Defendant by their attorneys aforesaid and this cause standing ready for Trial here this Court it is ordered by the Court with consent of the parties the parties agree to wave all discontinuances in this suit. Thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the Court here thereon is continued untill next Court.

At which said next Court to wit the third monday in april seventeen hundred and ninety two come again the said parties Plaintiff and Defendant by their attorneys aforesaid and this cause standing ready for Trial here this Court it is ordered by the Court with consent of parties the parties (agree

agree to wave all discontinuances in this suit thereupon further process of and upon the premises aforesaid between the parties aforesaid by consent of the said parties and their attornies aforesaid and by order of the Court here thereon is continued untill next Court.

At which said next Court to wit, the third monday in September seventeen hundred and ninety two comes again as well the said Richard Beard Executor of Henry May by his attorney aforesaid and the said Joseph Bowman Executor of Joseph Bowman by his attorney aforesaid and thereupon for Trying the issue aforesaid Command is given to the Sheriff of Ann arundel County that he immediately cause to come here twelve good and lawful men of his bailiwick by whom &c. who neither &c. to recognize &c. because as well &c. of which said precept the said Sheriff to wit, William Goldsmith Esquire makes return that he has here ready twelve &c. as by the said precept he was commanded to wit. John Truman. William Welling, Richard Gambrill, Henry Davidge, Thomas Pryce, John Munroe, Benjamin McSyney, John Ghen of Joseph. Samuel Iams, William Woodward, Richard Dorsey and Isaac Millard who being duly elected tried and Sworn to say the truth in the premises do say that they find for the Defendant.

Therefore it is considered by the Court here that the said Richard Beard Executor as aforesaid take nothing by his writ against the aforesaid Joseph Bowman Executor as aforesaid in the plea aforesaid but that he and his pledges of prosecuting to wit, John Doe and Richard Roe be in mercy &c. soforth and that the said Joseph Bowman Executor as aforesaid go thereof without day and soforth.

Memorandum before the Jurors aforesaid went from the bar the Defendant by his attorney aforesaid filed in Court here the following bill of Exceptions to wit, In this cause the Defendant plead the act of Limitations and the Plaintiff having first Executed the following release under hand and seal. "I hereby release all my right title claim and Interest, and commission as Executor of Henry May to the Devisees and representatives of the said May which I now have or hereafter may have on the amount of his claim and demand against Joseph Bowman Executor of Joseph Bowman for which suit is brought in Ann arundel County Court. as witness my hand and seal this 22 of September 1792.

Witness. Jasper E Tilly — Richard Beard

offered to swear as a witness Mr. Richard Beard Executor of May the Plaintiff in the action to prove that the Defendant had assumed and promised payment of the sum of money for which this action was brought within three years next before the impetration of the writ original in this cause, but the Court refused to admit the said Richard Beard Executor as aforesaid to be sworn as a witness because that he was an incompetent witness. to which opinion of the Court the counsel for the Plaintiff prayed leave to except and that the Court according to the Law in such cases made and provided would sign and seal this his bill of Exception.

Jos.a Seney (Seal)
Nich Carroll (Seal)
Saml. Ridout (Seal)

afterwards to wit, on the fifth day of October seventeen hundred and ninety two the (said