thirteenth day of the same month Anno Domini seventeen hundred and Eighty Eight comes again here into our General Court as well the aforesaid Henry Stevenson by his Attorney aforesaid as the aforesaid Luther Martin in his proper person, And the aforesaid Luther Martin in his proper person as before comes and 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 aforesaid Henry Stevenson above against him hath declared and of this he puts himself upon the Country, and the aforesaid Henry Stevenson in like manner and so forth, Thereupon let a Jury thereupon appear before the judges of our General Court here on the second Tuesday of October next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid then and there &c.

At which said 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 aforesaid Henry Stevenson by his attorney aforesaid as the aforesaid Luther Martin in his proper person, Whereupon by Consent of the aforesaid Henry Stevenson by his Attorney aforesaid as the aforesaid Luther Martin in his proper person for the trying the Issue aforesaid between them joined to be tried by the Country, let a Jury thereupon 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 parties aforesaid then and there &c.

At which said second Tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eightynine comes again here into our General Court as well the aforesaid Henry Stevenson by his Attorney aforesaid, as the aforesaid Luther Martin in his proper person, And this Cause standing ready for Trial the aforesaid Luther Martin in his proper person suggests to the Court here that he cannot safely proceed at this term to the trial of this Cause for want of material Testimony out of this State, and prays that a further day may be given for the trial thereof, and also the Courts Commission to issue to Hampshire County in the common wealth 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, and files in Court here, the following Affidavit, to wit.

Henry Stevenson against Luther Martin

Case. The aforesaid Luther Martin being duly sworn on the holy Evangels of Almighty God deposed and made oath that William Jacob is a material & Competent Witness

Witness for him in this cause and that he this deponent cannot safely go to trial in this Cause without the benefit of his testimony and that he is informed and believes that the said Jacob is now an Inhabitant of and residing in Hampshire County in the State of Virginia, This deponent further saith that the said Jacob formerly lived in Baltimore County and was the Clerk of Henry Stevenson late sheriff of the same County dissing his sheriffalty and that this deponent expects to prove by the said Jacob that a large sum more than one thousand pounds of the money charged by the Plaintiff in his Declaration to have been received by this deponent to his use was not received by this deponent but was paid by the said Henry Stevenson sheriff to divers Creditors of the Plaintiff in discharge of Judgments and Executions obtained against the Plaintiff. Sworn this 28th day May 1789 before.

R. Goldsborough

Which being read and heard and on the prayer of the aforesaid Luther Martin and the suggestion aforesaid being sufficiently proved to the Court here according to the form of the act of Assembly in such case made and provided, the same is granted him, Whereupon the aforesaid Henry Stevenson by his attorney aforesaid, and the aforesaid Luther Martin in his proper person pray the same Commission be directed to Abraham Johnson, Isaac Miller, Thomas Collins and Marquis Palmers Gentlemen of Hampshire County in the Common wealth of Virginia or any three or two of them to examine &c. returnable to the Court here with all convenient speed &c. 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 continued untill the second Tuesday of October then next following.

At which said second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and Eighty nine comes again here into our General Court as well the aforesaid Henry Stevenson by his attorney aforesaid, as the aforesaid Luther Martin in his proper person, but for that the Commissioners aforesaid in the Commission aforesaid named and appointed have not returned to the Court here the said Commission. 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 further continued untill the second Tuesday of May then next following.

At which said second Tuesday of May being the Eleventh day of the same