His attorney aforesaid declares against the said Francis Valdanere in the plea aforesaid as follows to wit, Montgomery County to wit, Francis Valdanere late of Montgomery County was attached to answer unto Levin Magruder in a plea of trespass upon the case and soforth, And Whereupon the said Levin Magruder by John M. Gantt his attorney complains that whereas the said Francis on the first day of November in the year one thousand seven hundred and ninety three at Montgomery County aforesaid was indebted to the said Levin in the sum of forty five pounds eleven shillings and six pence current money for divers goods wares and merchandizes by the said Levin before that time sold and delivered to the said Francis and at his special instance and request And so being indebted he the said Francis in consideration thereof afterwards to wit, On the same day and year aforesaid, at the County aforesaid undertook and faithfully promised the said Levin, to pay him the said Levin the said sum of money, when he the said Francis should be thereof afterwards requested, And whereas afterwards to wit on the same day and year aforesaid at the County aforesaid in consideration that the said Levin at the like special instance and request of the said Francis had before that time sold and delivered to said Francis divers other goods wares and merchandizes he the said Francis, then and there undertook and faithfully promised the said Levin to pay him the said Levin, So much money as he therefore reasonably deserved to have for the same, when he the said Francis should be thereto afterwards requested And the said Levin says that he therefore reasonably deserved to have of the said Francis for the same other forty five pounds eleven shillings and six pence current money to wit at Montgomery County aforesaid whereof the said Francis afterwards to wit, on the said day and year aforesaid there had notice; Yet the said Francis not regarding his said several promises and undertakings so by him made in this behalf as aforesaid but contriving and fraudulently intending craftily and subtilly to deceive and defraud the said Levin in this behalf hath not yet paid the said several sums of money, or any part thereof to the said Levin, although so to do he the said Francis was requested by the said Levin afterwards to wit, on the same day and year aforesaid and often afterwards to wit at the County aforesaid, but he to do this hath hitherto wholly refused and still refuses so to do to the said Levin his damages of one hundred pounds current money of Maryland and therefore he brings suit

Suit and so forth.

J. M. Gantt for the Plaintiff } John Doe, and
Pledges to prosecute. } Richard Roe.

And the said Francis Valdanere by his attorney aforesaid defends the force and injury when and so forth, and produceth to the Court here the State of Maryland writ of Habeas Corpus the tenor whereof ensues as follows to wit.

The State of Maryland, Sct. To the justices and sheriff of Montgomery County Greeting. Whereas a certain Francis Valdanere late of Montgomery County is detained in the prison of our said County under the custody of you our said sheriff at the suit of a certain Levin Magruder of a plea of trespass on the case and soforth; which said plea as it is said still depends before our said justices undetermined; and we being willing for divers causes that the plea aforesaid undetermined as aforesaid should be heard and determined before the judges of our general Court; Therefore We command you, that you have the body of the said Francis Valdanere by whatsoever name or names he may be called in the plea aforesaid together with the cause of his caption and detention, And all things thereunto relating, before the judges of our General Court to be held at the City of Annapolis the second tuesday of Maynext that the Judges of our said General Court may further proceed therein as to justice appertains and soforth, Hereof fail not at your peril and have you then and there this writ; Witness the honourable Robert Goldsborough Esquire Chief judge of our said Court the twelfth day of December Anno Domini 1795.

Issued the 26th day of January Anno domini 1797. J. T. M. Jno. Givinn Clk.

Which said writ of Habeas Corpus being by the Court here received and allowed, It is ordered that all proceedings relating to the premises be transmitted accordingly.

Test Upton Beall Clk.

State of Maryland Montgomery County, Sct. I Hereby Certify that the transcript and proceedings within described were faithfully and truly taken and copied from the Record and proceedings of the County aforesaid.

Seal of Montg. Co. In Testimony whereof I have hereunto set my hand and affixed the seal of my office the 27th day of April Anno domini 1797.

Upton Beall Clk

And