At which said second Tuesday of October being the eighth day of the same month in the year of our Lord one thousand seven hundred and ninety nine to which said day the said Thomas Beall of Samuel had leave to Imparle and then to answer to the declaration aforesaid of the aforesaid James McElhiney, in the plea aforesaid comes again into the General Court here, as well the aforesaid James McElhiney by his attorney aforesaid as the said Thomas Beall of Samuel by his attorney aforesaid; and the said Thomas Beall of Samuel by his attorney aforesaid, as before defends the force and injury when and seforth and saith that he did not assume upon himself in such manner and form as the aforesaid James McElhiney above against him hath declared and of this puts himself upon the County, and the aforesaid James McElhiney in like manner and seforth.

Therefore let a Jury appear before the Court here on the second Tuesday of May next by whom and seforth and who neither and seforth to recognize and seforth because as well and seforth the same day is given to the said parties then and there and seforth.

And now at this day, to wit the said second Tuesday of May being the thirteenth day of the same month in the year of our Lord one thousand eight hundred, comes again into the General Court here as well the said James McElhiney by his attorney aforesaid as the said Thomas Beall of Samuel by his attorney aforesaid. Nevertheless the said Thomas Beall of Samuel by his attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the action aforesaid of the aforesaid James McElhiney, so as aforesaid against him brought now but that the said James McElhiney hath sustained damage to the sum of five hundred pounds Current money of Maryland by occasion of the nonperformance of the promise and assumption aforesaid in manner and form as the aforesaid James McElhiney above against him hath declared.

Therefore it is considered by the Court here that the said James McElhiney recover against the said Thomas Beall of Samuel as well the sum of Five hundred pounds Current money of Maryland his damages aforesaid in form aforesaid confessed as also the sum of eight hundred and sixty, one pounds 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 Thomas Beall of Samuel in mercy, and seforth.

Memorandum.

Memorandum, Judgment rendered in this cause on the fifteenth day of May in the year of our Lord, one thousand eight hundred for the damages laid in the declaration and Cost of suit to be released on the payment of the sum of four hundred and thirteen dollars and thirty three Cents with interest thereon from the Eleventh day of September in the year of our Lord one thousand seven hundred and ninety six and Costs. And the Plaintiff agrees to stay execution until the first day of August next.

Test Wm. Gwinn Clk.

Samuel Selby 3d. use of John McKim Jun. & Co.
against
Hanson Briscoe

Be it remembered that heretofore to wit, on the first day of April in the year of our Lord one thousand seven hundred and ninety nine the said Samuel Selby 3d. by Waller Dorsey his attorney, sued out of the General Court the writ of the State of Maryland of Capias ad respondendum directed to the sheriff of Allegany County, in the words and figures following, to wit.

The State of Maryland fc. To the sheriff of Allegany County Greeting, You are hereby commanded to take Hanson Briscoe (late of Allegany) County planter if he shall be found in your bailiwick and him safe keep so that you have his body before the Judges of the General Court to be held at the City of Annapolis on the second tuesday of May next to answer unto Samuel Selby the third, of a plea that he render unto him the sum of one hundred and seventy four pounds ten shilling, Current money which to him he owes and from him unjustly detains and seforth. Thereof fail not at your peril and have you then and there this writ. Witness the honourable Jeremiah Townley Chase Esquire Chief Judge of the said Court the eleventh day of February in the year of our Lord one thousand seven hundred and ninety, nine.

Issued the 1st. day of April 1799. W. D. Wm. Gwinn Clk.

And the aforesaid Samuel Selby, the third on the day of the issuing of the aforesaid writ, filed in Court here the following, Declaration and oyer of bill, A Copy whereof was made and sent with the said writ to the sheriff of Allegany County aforesaid, to wit. State of Maryland, Allegany County, to wit.

Hanson Briscoe late of Allegany County planter was summoned to answer unto Samuel Selby, the third of a plea that he render unto him the sum of one hundred and seventy four pounds ten shillings Current money, which to him he owes and from him unjustly