At which said second Tuesday of October being the fourteenth 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 aforesaid James Hood by his attorney aforesaid as the said John Dorsey admor as aforesaid by his attornies aforesaid: And the said John Dorsey admor as aforesaid by his attornies aforesaid prays leave of the Court here to amend his plias aforesaid herein before set forth, and that he may add thereto the plea of non est factum and it is granted him. And thereupon the said John Dorsey administrator as aforesaid by his attornies aforesaid files in Court here the following plea and affidavit to wit

And the said John by Richard Ridgely his attorney aforesaid as before defends the force and injury when and so forth, and says that he ought not to be charged with the said debt, by virtue of the said writing obligatory, because he says that the said writing is not the Deed of the said Caleb Dorsey; and of this he puts himself upon the Country.

Ann Arundel County to wit. On the twentieth day of October 1800 Came John Dorsey the Defendant in the aforegoing cause, before the Subscriber, one of the Justices of the peace for the county aforesaid and made oath, that he hath been credibly informed and verily believes that the fact contained in the aforegoing plea is just and true, according to the best of his knowledge

Sworn to before James Mackubin

And the aforesaid James Hood as to the last plea of the said John Dorsey administrator as aforesaid above set forth in like manner and so forth: Whereupon for trying the Issues aforesaid between the parties aforesaid above joined to be tried by the Country. Therefore as before let a Jury thereon appear before the Court here on the second tuesday of May next, by whom and so forth and who neither and so forth, to recognize and so forth, because as well and so forth the same day is given to the parties aforesaid then and there and so forth

And now at this day to wit the said second Tuesday of May being the twelfth day of the same month in the year of our Lord one thousand eight hundred and one comes again into the General Court here as well the aforesaid James Hood by John Johnson and John Thomson Mason his attornies, as the said John Dorsey administrator as aforesaid by Richard Ridgely, Luther Martin, Walter Dorsey and William Dorsey, his attornies. And the said John Dorsey administrator as aforesaid by his attornies aforesaid, files in Court here the following Affidavit to wit,

Hoods ux — against — John Dorsey adm.r de bonis non of Caleb Dorsey

In the General Court May Term 1801. John Dorsey the Defendant in this cause maketh Oath that Levin Lawrence is a material competent and proper Witness for the Defendant in this cause, and that this Deponent hath used his proper and reasonable endeavours to procure his Testimony and that he verily believes that the said cause cannot be tried with Justice to this Defendant without such Testimony, and that he has reasonable expectation and belief that the same can be hereafter procured in some reasonable time, and this Deponent further saith that he expects to prove by the said Levin Lawrence that the Bond on which the present suit is instituted, was interlined in material parts, in the body of the bond since its Execution,

Sworn to in open Court this 12th day of May 1801. Jno. Gwinn clk

And the said John Dorsey administrator as aforesaid by his attornies aforesaid withdraws his first and second plias herein before set forth and alledged & says that he will not further prosecute of and upon those pleas and the issues thereto joined: Whereupon for trying the Issue herein last above joined between the parties aforesaid, It is ordered by the Court here, that twenty persons from the pannel of Petit Jurors, returned to the Court here by the several Sheriffs of the different Counties of the Western Shore, be drawn by ballot, according to the Act of Assembly in such case made and provided. And thereupon the twenty persons being so drawn by ballot and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties, and the Counsel for each of the said parties having stricken out four persons, from the said lists thereupon the remaining twelve persons being called come, to wit, Thomas Harwood Junior, James M.c Claine, John Parsons, John Merriken, Christian Hawkin, John Partridge, William D. Harrison, William Kreps, George Stansbury Peter Weed Junior, Jacob Haines, and Elijah M.c Coy who being empannelled and sworn to say the truth in the premises upon their oath do say that the within mentioned writing obligatory, is the Deed of the within named Caleb Dorsey, as the within written James Hood hath within declared against the said John Dorsey administrator as aforesaid.

Whereupon the aforesaid James Hood by his attornies aforesaid, prays Judgment against the said John Dorsey administrator as aforesaid of & upon the verdict aforesaid by the Jurors aforesaid given in form afsd. And the said John Dorsey administrator as aforesaid by his attornies afsd saith that the Court here ought not to proceed to render Judgment upon the said Verdict: and prays that Judgment against him of and upon the said Verdict by the Jurors aforesaid in form aforesaid given, may be staid, because the said Verdict is insufficient and erroneous and given against the direction of the Court to the said Jury and that the same

verdict