Court the said Walter Stewart Surviving Partner as afs by Nicholas Hammond Esquire his Attorney and the Sheriff of Queen Anns County whom the aforesaid Writ was directed to the which came into and made return thereof this Endorsement towit —

"Cepi Edmory. N. E. Smith — Phil. C. Rake Sheriff." —

And also came into Court the Sheriff of Kent County, to whom the Duplicate of the Writ afs was directed, and made return thereof this endorsed, towit. —

"Cepi Thomas. N. E. Richard J. Ennes Sheriff." —

Thereupon appears in Court as well the said Thomas Smith Junior by Michael Earle Esquire his Attorney as the said Richard Edmory by Robert Wright Esquire his Attorney, and prayed the liberty of imparling to the until the second Tuesday of September then next, and it was granted unto them, the same day was given to the said Walter Stewart Surviving Partner as afs there &c. — At which said second Tuesday of September seventeen hundred and ninety five came into Court the Parties afs by their Attorneys afs, and thereupon Walter Stewart Surviving Partner as afs by his Attorney aforesaid declared against the said Thomas Smith Junior and Richard Edmory in the plea aforesaid in manner and form following towit. — The Eastern Shore, Queen Anns County towit, Thomas Smith Junior and Richard Edmory late of Queen Anns County, Merchants, were attached to answer unto Walter Stewart, Surviving Partner of Walter Stewart and Alexander Nesbitt of a plea of Trespass upon the case and &c. — Whereupon the same Walter Stewart by Nicholas Hammond his Attorney, complains that whereas the said Smith and Edmory on the tenth day of May in the year seventeen hundred and ninety four, at Queen Anns County afs, were indebted to the said Walter Stewart and a certain Alexander Nesbitt now deceased, whom the said Walter Stewart hath Survived, in the sum of three hundred and twenty six pounds nine Shillings and three pence half penny, Current money of Maryland, for divers Goods, Wares and Merchandizes there before that time sold and delivered by the said Walter Stewart and the said Alexander Nesbitt in his lifetime, to the said Smith and Edmory at their special Instance and request, and so thereunto being indebted, the said Smith and Edmory in consideration thereof, afterwards, towit the day and year afs at Queen Anns County afs Assumed upon themselves and then & there faithfully promised the said Walter Stewart and the said Alexander Nesbitt in his lifetime that they the said Smith and Edmory the sum of money afs, to the said Walter Stewart and the said Alexander Nesbitt in his lifetime would well and truly content and pay, when they the said Smith and Edmory thereto afterwards requested, thus whereas also the said Walter Stewart and the said Alexander Nesbitt in his lifetime, afterwards, towit, the day and year afs, at Queen Anns County afs, had there before that time sold and delivered divers other Goods, Wares and Merchandizes, to the said Smith and Edmory at their like special Instance and request, the said Smith and Edmory in consideration thereof, afterwards, towit, the day and year afs, at Queen Anns County afs, Assumed upon themselves and then and there faithfully promised the said Walter Stewart and the said Alexander Nesbitt in his lifetime, to pay them the said Walter Stewart and the said Alexander Nesbitt in his lifetime, as much Current money for the said last mentioned Goods,

Wares and Merchandizes, as the same last mentioned Goods, Wares and Merchandizes at the time of the sale and delivery thereof were reasonably worth, when they the said Smith & Edmory thereto afterwards requested, thus the said Walter Stewart in fact saith that the said last mentioned Goods, Wares and Merchandizes at the time of the said sale and delivery thereof were reasonably worth one other sum of three hundred and twenty six pounds nine shillings & three pence half penny, Current money towit, at Queen Anns County afs, whereof the said Smith and Edmory then and there had notice — Nevertheless the said Smith and Edmory their several promises and Assumptions afs, in form afs made, not in the least regarding, but intending them the said Walter Stewart and the said Alexander Nesbitt, in the lifetime of the said Alexander Nesbitt and the said Stewart after the death of the said Nesbitt in this behalf to deceive & defraud the several sums of money afs or any part thereof, to the said Stewart and Nesbitt in the lifetime of the said Nesbitt, or to the said Stewart after the death of the said Nesbitt, afs have not nor hath either of them contented or paid, altho' to pay the same the said Smith & Edmory afterwards, towit, the tenth day of June in the year afs, and often since, at Queen Anns County afs, by the said Stewart and Nesbitt, in the lifetime of the said Nesbitt were respectively required, but the same to the said Stewart and Nesbitt, in the lifetime of the said Nesbitt, and to the said Stewart after the death of the said Nesbitt, to pay, the said Smith and Edmory have and each of them hath, hitherto altogether refused, and the same to the said Stewart to pay the said Smith and Edmory do still refuse, to the Damage of the said Walter Stewart in the sum of six hundred pounds Current money; and therefore he brings suit &c. — N. Hammond Atty. Jno. Doe, Richard Roe, Pledges &c. —

And the said Walter Stewart filed in Court his Account against the afs Smith and Edmory in the words and figures following, towit. —

Mrs. Smith & Edmory Dr. Stewart and Nesbitt Cr.

1788. May 8th	To Sundry Goods fr. Bile parcels (Mapper)		£2..0..2.	
	To do.	do.	254..12..9½	£256..12..11½
August 5th	To do.	do.		69..10..4.
				£326..9..3½.

To Interest on £256..12..11½ from 8th Nov. 1788 till this day is 5 years 2 Mos & 6 days	79..18..3.	
do. on 69..10..4. from February 5th 1789 to this day is 6 years 11 Mos & 5 days	24..11..3.	104..9..6
		£430..18..9½.

Phil. January 10th 1794. — E. Exceptis. Walter Stewart, Surv. Partner of A. Nesbitt. —

Thereupon it was rule by the Court at the prayer of the said Walter Stewart Surviving Partner as afs, that the said Smith and Edmory file their plea in answer to the Declaration afs and the said Smith and Edmory by their Attorneys afs, prayed the liberty of imparling unto the second Tuesday of April then next, and it was granted unto them the same day was given to the said Walter Stewart Surviving Partner as afs, there &c. — At which said second Tuesday of April seventeen hundred and ninety six came into