

appeals here the record of proceedings of a plea which was lately depending before them in the county court of Baltimore, between John Barron, survivor of John Craig, plaintiff, and the mayor and city council of Baltimore, defendant, and wherein the said county court gave judgment for the said John Barron, survivor as aforesaid, against the said mayor and city council of Baltimore, and from which said judgment the said mayor and city council of Baltimore appealed to the court of appeals here; the tenor of which said record of proceedings is in form following, to wit:

The State of Maryland, Baltimore county, to wit:

At a county court of the sixth judicial district of the State of Maryland, begun and held at the court-house, in the city of Baltimore, in and for the county aforesaid, on the fourth Monday in March, in the year of our Lord one thousand eight hundred and twenty-eight:

Present:

The honorable STEVENSON ARCHER, *Chief Judge.*
CHARLES W. HANSON,
THOMAS KELL, Esquires, *Associate Judges.*
WILLIAM BALL, Esquire, *Sheriff.*
WILLIAM GIBSON, *Clerk.*

Among other proceedings are the following, to wit:

JOHN BARRON, *survivor of John Craig, use of Luke Tiernan, executor of John Craig,*

vs.

THE MAYOR AND CITY COUNCIL OF BALTIMORE.

Be it remembered, that heretofore, to wit, on the twenty-first day of March, in the year of our Lord one thousand eight hundred and twenty-two, John Craig and John Barron, by Charles F. Mayer, their attorney, prosecuted and sued forth, out of the county court here, the writ of the State of Maryland, of subpœna, directed to the sheriff of Baltimore county, in form following, to wit:

State of Maryland to the sheriff of Baltimore county, greeting:

We command you that you summon the mayor and city council of Baltimore, that they be and appear before the judges of Baltimore county court, at the court-house in the same county, on the fourth Monday in March next, to answer unto John Craig and John Barron, in a plea of trespass upon the case, and so forth. Hereof fail not at your peril, and have you then and there this writ.

Witness the honorable Walter Dorsey, chief judge of our said court, the 19th day of February, in the year eighteen hundred and twenty-two.

WILLIAM GIBSON, *Clerk.*

Issued the 21st day of March, 1822.

At which mentioned fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-two, being the return day of the foregoing writ, come into the county court here the said John Craig and John Barron, by their attorney aforesaid; and the sheriff of Baltimore county aforesaid, to whom the said writ was in form aforesaid directed, makes return thereof to the court here, thereon endorsed, to wit: "Summoned John Montgomery, J. Scott, Esq. to appear.

"S. C. LEAKIN, *Sheriff.*"

And the mayor and city council of Baltimore aforesaid, being so forewarned, appear in court here, by John Scott, their attorney. And thereupon the mayor and city council aforesaid, by their said attorney, pray that the said John Craig and John Barron may declare against them, the mayor and city council aforesaid, in the plea aforesaid. Whereupon, it is ruled by the court here that the said John Craig and John Barron declare against the mayor and city council aforesaid, in the plea aforesaid, or judgment by the court here will be rendered against them in default thereof. And the said John Craig and John Barron, by their said attorney, pray leave of the court here to imparle until the third Monday in September next, to declare against the mayor and city council aforesaid, in the plea aforesaid; and to them it is granted: the same day is given to the said mayor and city council of Baltimore, then, and so forth.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-two, until which day the said John Craig and John Barron had leave to imparle, to declare against the mayor and city council aforesaid in the plea aforesaid, come again into the county court here the parties aforesaid, by their attorneys aforesaid; and the said John Craig and John Barron, by their said attorney, pray leave of the court here further to imparle until the fourth Monday in March next, to declare against the said mayor and city council of Baltimore in the plea aforesaid; and they have it: the same day is given to the mayor and city council aforesaid, also.

At which said fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-three, until which day the said John Craig and John Barron had leave further to imparle, to declare against the said mayor and city council of Baltimore in the plea aforesaid, come again into the county court here the parties aforesaid, by their attorneys aforesaid. 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 until the third Monday in September next.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-three, come again into the county court here the parties aforesaid, by their attorneys aforesaid. 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 until the fourth Monday in March next.

At which said fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-four, come again into the county court here the parties aforesaid, by their attorneys aforesaid. 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 until the third Monday in September next.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-four, come again into the county court here the parties aforesaid, by their attorneys aforesaid. 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 until the fourth Monday in March next.