said Sheriff hath not sent his Writ &c. Whereupon for Trying the Issue aforesaid Command is given to the Sheriff of Calvert County that he cause to come before the Justices of the Provincial Court at Annapolis the third Tuesday of October next or before the Justices appointed to take the Assizes in his County if they shall before that time to wit on Monday the sixteenth Day of September next to the County Court House in the said County come twelve Good and Lawful Men of his Bailiewick by whom &c. who neither &c. To Recognize &c. because as well &c.

Afterwards the Process continued between the Parties aforesaid in the Plea aforesaid by the Jury being put thereon in Respite here until the third Tuesday of October next unless the Justices of his Lordships the Lord Propriatary to take the Assizes in the said County Assigned on Monday the sixteenth Day of October next to the County Court House in the said County shall come. And now here at this Day to wit the said third Tuesday of October to wit the 15th Day of the same Month Anno Domi 1754 comes into his Lordships Provincial Court here as well the said Richard Wood by his Attorney aforesaid as the said Thomas Wilsby by his Attorney aforesaid. But the said Sheriff hath not sent his Writ. And the said Thomas Wilsby by his Attorney aforesaid Offers himself ready against the aforesaid Richard Wood in the Plea aforesaid. But the said Richard Wood altho' solemnly called comes not but makes Default nor does he further Prosecute his Writ aforesaid against the aforesaid Thomas Wilsby in the Plea aforesaid but voluntarily suffers his Action to be Discontinued.

Therefore at the Discretion of the Court here the Sum of
010 0/ Pounds of Tobacco is adjudged unto the said Thomas Wilsby for his Costs and Charges by him about his Defence in this behalf laid out and expended. And that he have thereof his Execution &c.

Test R. Burdett Clk

WB John Metcalfe } Maryland Frederick County ss. Be it Remembered that heretofore to
Ed. John Howard and Matthew Howard } wit the fourteenth Day of November Anno Domi 1753 Command was given to the Sheriff of Frederick County that he should take John Howard son of Gideon and Matthew Howard late of Frederick County Farmers otherwise called John Howard son of Gideon of Frederick County Farmer and Matthew Howard of the same County Farmer if they should be found in his Bailiewick and them safe keep so that he might have their Bodies before the Justices of his Lordships Provincial Court to be held at Annapolis the second Tuesday of April then next to Answer unto John Metcalfe in a Plea that they render unto him the Sum of two hundred and sixty Pounds eight Shillings and Eight Pence Current Money which to him they Owe and unjustly detain &c. And that thereof he the said Sheriff should not fail &c. At which said second Tuesday of April to wit the 16th Day of the same Month Anno Domi 1753 being the Day of the return of the foregoing Writ comes the said John Metcalfe by Stephen Bordley his Attorney and the Sheriff of Frederick County to whom the same Writ was directed otherwise comes and makes return thereof to the Court here thereon Endorsed viz.

Exp. Geo. Gordon Shff.

And the aforesaid John Howard and Matthew Howard being called upon appear and at the Prayer of the Plaintiff by his Attorney aforesaid are Adjudged to give special Bail to the Action aforesaid. Thereupon a certain Thomas Maynard present here in Court in his proper Person Undertakes for the said John Howard & Matthew Howard that in Case the said John Metcalfe shall Recover Judgment against the said John Howard and Matthew Howard in the Plea aforesaid or that the said John Howard and Matthew Howard shall be therein legally Convict that then the said John Howard and Matthew Howard shall pay the Condemnation of the Court thereupon or render their Bodies to the Custody of the Sheriff of Frederick County in satisfaction thereof

or that he the said Thomas Maynard will do the same for them.

And the said John Metcalfe by his Attorney aforesaid Declares against the aforesaid John Howard and Matthew Howard in the Plea aforesaid as follows viz. Maryland ss. John Metcalfe son of Gideon and Matthew Howard late of Frederick County Farmers otherwise called John Howard son of Gideon of Frederick County Farmer and Matthew Howard of the same County Farmer were Summoned to Answer unto John Metcalfe in a Plea that they render unto him the Sum of two hundred and sixty Pounds eight Shillings and eight Pence Current Money which to him they Owe and unjustly detain &c.

And Whereupon the said John Metcalfe by Stephen Bordley his Attorney Complains that Whereas the aforesaid John Howard and Matthew Howard on the fifteenth Day of August in the year of our Lord seventeen hundred and fifty two at Frederick County aforesaid by their certain writing Obligatory acknowledged themselves to be held and firmly bound unto him the said John Metcalfe in the aforesaid Sum of two hundred and sixty Pounds eight Pence Current Money to be paid to him the said John Metcalfe when afterwards they should be thereunto required Nevertheless the aforesaid John Howard and Matthew Howard the aforesaid Sum of two hundred and sixty Pounds eight Shillings and eight Pence Current Money aforesaid to him the said John Metcalfe hath not rendered or paid (altho' so to do the aforesaid John Howard and Matthew Howard were afterwards to wit on the Day and Year aforesaid and often afterwards at the County aforesaid requested) but the same to him hitherto to render or pay they have altogether refused and still do refuse Wherefore he saith he is the worse and hath Damage to the Value of Fifty Pounds Current Money aforesaid and therefore he brings suit and so forth And brings here into Court the writing Obligatory aforesaid sealed with the seal of the aforesaid John Howard and Matthew Howard which the Debt aforesaid in form aforesaid Witnesseth whose Date is the Day and year aforesaid and so forth (Pledges and so forth John Doe and Richard Roe)

And the aforesaid John Howard and Matthew Howard by Edward Dorsey their Attorney come and defend the force and injury when &c. and pray an hearing of the writing Obligatory aforesaid and it is read unto them they pray also an hearing of the Condition of the same Writing and they have it in the following words to wit The Condition of the above Obligation is such That if the above bound John Howard son of Gideon or Matthew Howard do and shall well and truly pay or cause to be paid unto the said John Metcalfe his certain Attorney Executors Administrators or Assigns the just and full Sum of One Hundred and thirty Pounds Current Money of Maryland and four Shillings and Eight Pence with Legal Interest for the same then the above Obligation to be void else to remain in full force and virtue in Law stand and Delivered this Day of August 1752 In the Presence of

Which being read and heard the said John Howard and Matthew Howard by their said Attorney pray leave to imparle hereunto until next Court and they have it and the same Day is given to the Plaintiff also.

At which said next Court to wit the 21st Day of May Anno Domi 1753 comes again as well the said John Metcalfe by his Attorney aforesaid as the aforesaid John Howard and Matthew Howard by their Attorney aforesaid. And the said John Howard and Matthew Howard by their said Attorney as before Defend the force and injury when &c. and say that they with the Debt aforesaid by virtue of the