payment to them the said Forrest and Stoddert the aforesaid sum of money in the said Bill of exchange mentioned with lawfull costs damages and Interest by them the said Forrest and Stoddert suffered and sustained by reason of the non payment of the said Bill of Exchange or contents thereof and protest as aforesaid and being so therewith chargeable the aforesaid William Graham afterwards to wit on the day and year last aforesaid at Baltimore County aforesaid in consideration of the premises upon himself assumed and to the said Forrest and Stoddert then and there faithfully promised that he the said William Graham the aforesaid sum of money in the said Bill of Exchange mentioned together with all lawfull costs damages and Interest by them the said Forrest and Stoddert suffered and sustained by reason of the non payment of the said Bill of Exchange mentioned or the contents thereof and the protest as aforesaid to them the aforesaid Forrest and Stoddert when afterwards he should be thereunto required would well and truly content and pay and the aforesaid Forrest and Stoddert in fact say that the lawful costs damages and Interest of them the said Forrest and Stoddert suffered and sustained by occasion of the non payment of the said Bill of Exchange or the contents thereof and protest as aforesaid amount unto the sum of

which the said William Graham afterwards to wit on the day and year last aforesaid at the County aforesaid had notice Nevertheless the aforesaid William Graham his promise and assumption aforesaid so as aforesaid made not regarding but minding and fraudulently intending them the said Forrest and Stoddert in this behalf craftily and subtilly to deceive and defraud the aforesaid sum of one hundred pounds sterling money together with the costs damages and Interest amounting as aforesaid to the aforesaid sum of

(which two last aforementioned sums amount in the whole to the sum of

or any part thereof to them the said Forrest and Stoddert hath not contented or paid (altho' so to do the aforesaid William Graham afterwards to wit on the day and year aforesaid and often afterwards at the County aforesaid by them the said Forrest and Stoddert was requested but the same or any part thereof to content and pay he hath altogether refused and still doth refuse to the damage of them the said Forrest and Stoddert in the sum of one Thousand pounds current money and therefore they bring suit and so forth -

John Doe

Saml Chase pro pltffs - pledges &c and

Richard Roe

A copy of which aforegoing declaration was made and sent with the writ which issued in the plea aforesaid -

And now here at this day to wit the said second Tuesday of October being the ninth day of the same month Anno Domini seventeen hundred and eighty seven and the day of the return of the aforegoing writ comes the said Uriah Forrest and Benjamin Stoddert by their Attorney aforesaid as the sheriff of Baltimore County to whom the same writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit -

Cepi Copy left 13 Septr Philip Graybell Shff -

And the said William Graham being called upon appears And at the prayer of the plaintiffs by their attorney aforesaid the said William Graham is adjudged to give special Bail to the action aforesaid Whereupon a certain John Mercer Porter of Baltimore County Gentleman present here in court undertakes for the said William Graham that in case the said Uriah Forrest and Benjamin Stoddert shall recover Judgment against the said William Graham in the plea aforesaid or that the said William Graham shall be therein legally convict that then the said William Graham shall pay the condemnation money thereupon or render his body into the custody of the sheriff of Baltimore County in satisfaction thereof or that he the said John Mercer Porter will do the same for him -

And the said William Graham by David McMechen his attorney comes and defends the force and injury when and so forth and prays leave to imparle hereunto untill next Court and he hath it and the same day is given to the pltffs also -

At which said next Court to wit the thirteenth day of May Anno Domini seventeen hundred and

Eighty,

Eighty eight comes again as well the said Uriah Forrest and Benjamin Stoddert by their attorney aforesaid as the said William Graham by his attorney aforesaid And the said William Graham by his said attorney as before defends the force and injury when and so forth and says that he did not undertake and promise in manner and form aforesaid so as the aforesaid Uriah Forrest and Benjamin Stoddert above against him have complained and of this he puts himself upon the country and the aforesaid Uriah Forrest and Benjamin Stoddert in like manner and so forth -

Whereupon this cause standing for trial command is given to the sheriff of Ann Arundel County that he cause to come before the Judges of the General Court here on the second Tuesday of October next twelve &c by whom &c and who neither &c to recognize &c because as well &c the same day is given to the said parties then and there &c -

At which said next Court to wit the second tuesday of October being the 11th day of the same month Anno Domini seventeen hundred and eighty eight comes again as well the said Uriah Forrest and Benjamin Stoddert by their attorney aforesaid as the said William Graham by his attorney aforesaid

Nevertheless the aforesaid William Graham by his attorney aforesaid relinquishing the avernment above by him pretended says that he cannot deny the action aforesaid of the aforesaid Uriah Forrest and Benjamin Stoddert so as aforesaid against him brought nor but that he owes to the aforesaid Uriah Forrest and Benjamin Stoddert the aforesaid sum of one thousand pounds current money in manner and form aforesaid so as the aforesaid Uriah Forrest and Benjamin Stoddert above against him have declared -

Therefore it is considered by the Judges here that the said Uriah Forrest and Benjamin Stoddert recover against the said William Graham as well the sum of One thousand pounds current money their damages aforesaid so as aforesaid confessed as also the sum of seven hundred and fifty two pounds and two fifths of a pound of tobacco by the Court here unto them on their assent adjudged as well for their damages sustained by reason of the premises as for their costs and charges by them about their suit in this behalf laid out and expended and the said defendant in mercy &c -

Memorandum. The plaintiffs releases the above Judgment on payment of one hundred pounds Sterling with Interest damages and costs of suit.

Test. John Gwinn Cl.

Afterwards to wit On the tenth day of February seventeen hundred and Eighty nine the aforesaid William Graham produced the State of Maryland writ of Error commanding the Judgment aforesaid to be transmitted to the high Court of Appeals (which said writ of Error follows in these words to wit

Maryland ss. The State of Maryland To the Honorable the Judges of the General Court Greeting because in the record and process and also in the rendering of Judgment on a certain action brought by a certain Uriah Forrest and Benjamin Stoddert against William Graham for the sum of one thousand pounds current money to be released on the payment of one hundred pounds Sterling with Interest damages and costs at a General Court held before you our said Judges at the City of Annapolis at October Term last Manifest Error as it is said has happened to the great damage of the said William Graham as of his complaint we have received and we being willing that the Errors if any there be should be duly corrected and full and speedy Justice done to the said William Graham in this behalf command you that if Judgment be thereof rendered that then the record and process aforesaid with all things thereunto relating under your seals distinctly and openly you send and this writ so that the same may be had before the Judges of our high Court of Appeals at Annapolis on the first Tuesday in May next that the record and process aforesaid being inspected into we may further do therein for the correcting that Error which of right and according to the laws and customs of this state may be done Witness The Honorable John Rogers Esquire Chancellor this tenth day of February Anno Domini 1789 -

Samuel H^y Howard Reg: Cur: Can

(The great seal of the state in wax appendant)

In pursuance whereof and according to the form of the act of Assembly in such case made and provided a record of the Judgment aforesaid with all things thereunto relating is hereby transmitted to the States high Court of Appeals accordingly -

(Ms)