June Term 1796.

And the said William Young saith that he by any thing by the aforesaid John O Donnell above in pleading alledged from having or maintaining his Action aforesaid against him ought not to be precluded because he saith that the aforesaid John O Donnell hath not paid unto him the said William Young the aforesaid sum of money in the Condition aforesaid mentioned with the Interest thereon in such manner and form as the aforesaid John O Donnell above by pleading hath alledged, And of this he prays may be enquired of by the Country and so forth, and the aforesaid John O Donnell in like manner and so forth. Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c. And now here, at this day, to wit, the said second Tuesday of October being the fourteenth day of the same Month Anno Domini seventeen hundred and ninety four comes again here into our General Court as well the aforesaid William Young by his Attorney aforesaid, as the aforesaid John O Donnell by his Attorney aforesaid Nevertheless the aforesaid John O Donnell by his Attorney aforesaid relinquishing the averment aforesaid above by him pretended says that he cannot deny the Action aforesaid of the aforesaid William Young so as aforesaid against him brought nor but that he owes to the aforesaid William Young the aforesaid sum of Forty thousand two hundred and seventy six pounds thirteen shillings and four pence Current money of the value of the Debt aforesaid in manner and form aforesaid so as the aforesaid William Young above against him hath declared. —

Therefore it is considered by the Judges here that the said William Young recover against the aforesaid John O Donnell as well the sum of Forty thousand two hundred and seventy six pounds thirteen shillings and four pence current Money being the value of his Debt aforesaid in form aforesaid confessed as also the quantity of Six hundred and sixty two pounds of Tobacco by the Court here unto the said William Young on his Assent adjudged as well for his damages which he had sustained by reason of the detention of that debt as for his costs and charges by him about his Suit in this behalf laid out and expended. And the aforesaid John O Donnell in Mercy &c. —

Memorandum, Judgment was rendred in this Cause on the twenty fifth day of October Anno Domini seventeen hundred and ninety four, for the value of the penalty in Current Money and Costs of Suit. To be released on payment of Two thousand two hundred and five pounds one shilling and four pence Sterling money of Great Britain and Interest at five per Cent. On One thousand nine hundred and seventeen pounds nine shillings and one penny Sterling paid thereof from the fifteenth day of June One thousand seven hundred and eighty nine till paid in good Bills of Exchange at sixty days sight payable in London, or in Current

Money of the value of the said Bills at the time of payment thereof and Costs. And the Plaintiff agrees to stay Execution till the first day of April next.

W. Cooke p. Pltff. Rt. Smith for Defd.

Test, John Gwinn. Clk.

Afterwards to wit, On the Sixth day of April Anno Domini one thousand seven hundred and ninety five the aforesaid John O Donnell produced the State of Maryland, Writ of Error commanding the Judgment aforesaid, to be transmitted to the State of Marylands High Court of Appeals, the tenor whereof ensues in the words and figures following 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 of Debt brought by William Young against John O Donnell for the sum of Forty thousand two hundred and seventy six pounds thirteen shillings and four pence current money and costs of Suit, at a General court held before you our said Judges at the City of Annapolis October Term last. Manifest Error as it is said has happened to the great damage of the said John O Donnell 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 John O Donnell 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 the second Tuesday in June 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 Alexander Contee Hanson Esquire Chancellor this second day of April anno Domini seventeen hundred and ninety five. — Samuel Harvey Howard, Reg. Cur, Can.

In Pursuance whereof, and according to the form and effect of the Act of Assembly in such cases made and provided a Transcript of the Judgment aforesaid so as aforesaid rendered with all things thereunto relating is hereby transmitted to the said State of Marylands High Court of Appeals accordingly. Test. John Gwinn Clk.

In Testimony that the aforegoing Transcript is truly taken from the Record and Proceedings of the General Court for the Western Shore of the State aforesaid I have hereunto set my Hand and Affixed the Public Seal of the said General Court this Sixth day of April Anno Domini one thousand seven hundred and ninety five, And in the Nineteenth Year of the Independence of the said State. —

J. G. Clk.

John Gwinn Clerk General Court, Western Shore State of Maryland