December Term, 1806.

sued forth out of the General Court the Writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Baltimore County, in the words and of the tenor following, to wit,

Maryland, ss. The State of Maryland, To the Sheriff of Baltimore County, Greeting, You are hereby commanded to take, David Mc Mechen late of Baltimore County Gentleman &c otherwise called David Mc Mechen of the City of Baltimore in the State of Maryland if he shall be found in your bailiwick, and him safe keep, so that you have his body before the General Court, to be held at the City of Annapolis on the second Tuesday of May next, to answer unto the Mayor and City Council of Baltimore of a plea that he render unto the said Mayor and City Council of Baltimore the sum of Thirty thousand dollars current money of Maryland which he owes to and unjustly detains from them &c. hereof fail not at your peril, and have you then and there this writ; Witness the honourable Jeremiah Townley Chase Esquire, Chief Judge of the said Court, the thirteenth day of February in the Year of our Lord one thousand eight hundred and one.

Jno. Irvinn, Clk.

Issued the Eighth day of April 1801. (R. Smith)

And the said Mayor and City Council of Baltimore by their Attorney aforesaid, on the day of prosecuting and suing forth the said writ, declared in the said Court against the said David Mc Mechen in the plea aforesaid, as follows, to wit,

Western Shore of the State of Maryland, Baltimore County, ss. David Mc Mechen late of Baltimore County Gentleman, otherwise called David Mc Mechen of the City of Baltimore, in the State of Maryland, was summoned to answer unto The Mayor and City Council of Baltimore, of a plea that he render unto the said Mayor and City Council of Baltimore the sum of Thirty thousand dollars current money of Maryland, which he owes to, and unjustly detains from them &c. And whereupon the said Mayor and City Council of Baltimore, by Robert Smith, their Attorney, say, that the said David on the twenty third day of January in the year of our Lord, seventeen hundred and ninety nine, at Baltimore County aforesaid, by his certain writing obligatory, sealed with his seal, (and to the Court now here shewn, the date whereof is the day and year aforesaid) acknowledged himself to be held and firmly bound to the said Mayor and City Council of Baltimore, in the just and full sum of Thirty thousand dollars current money of Maryland to be paid to the said Mayor and City Council of Baltimore whenever afterwards he the said David should be thereunto required, Nevertheless the said David (although often afterwards requested) the aforesaid sum of Thirty thousand dollars, current money aforesaid, or any part thereof, to the said Mayor and City Council of Baltimore, hath not rendered or paid but hitherto hath refused, and to pay the same to the said Mayor and City Council of Baltimore still doth refuse; whereby the said Mayor and City Council of Baltimore are the worse, and have damage to the value of Eight thousand pounds Current Money of Maryland, and therefore they bring suit, and so forth.

R. Smith Attorney for Plaintiff — pledges of prosecution John Doe and Richard Roe,

December Term, 1806.

Know all Men by these presents that we Thomas Yates, Archibald Campbell, David Stewart and David Mc Mechen, all of the City of Baltimore in the State of Maryland are held and firmly bound unto the Mayor and City Council of Baltimore and their Successors in the sum of Thirty thousand dollars current money, To be paid to the said Mayor and City Council of Baltimore and their Successors, To the which payment well and truly to be made and done, we bind ourselves our heirs executors and administrators jointly and severally firmly by these presents, Sealed with our Seals and dated this Twenty third day of January seventeen hundred and ninety nine.

Whereas the above bound Thomas Yates and Archibald Campbell have obtained from the Mayor a Licence of Admission under the Seal of the Corporation to use and exercise the Trade or Business of Auctioneers and by an Ordinance of the Corporation, persons obtaining such Licence are directed before they enter upon the Functions or Duties of the Office to give Bond for the faithful performance of the several Trusts and Duties required of them by the aforesaid Ordinance

Now the Condition of the above obligation is such, that if the above bound Thomas Yates and Archibald Campbell do and shall pay and satisfy all just claims that may be against them as Auctioneers and shall and will faithfully execute the Office and employment of Auctioneers and in all things well and faithfully perform the several Duties required of them by the Ordinance entitled, "An Ordinance for licencing and regulating Auctions within the City of Baltimore and precincts thereof" then this obligation to be void otherwise to be and remain in full force and virtue,

Signed sealed and delivered in the presence of
David Elphinstone
Robert Doyne

T. Yates (seal)
Arch.d Campbell (seal)
David Stewart (seal)
David Mc Mechen (seal)

Approved January 24th 1799. Jas. Calhoun Mayor of the City of Baltimore

Copies of which said declaration and oyer were made and sent to the Sheriff of the County aforesaid with the said writ, thereon endorsed, "To be served on the Defendant, with the Writ, or left at "his last place of abode, twenty days at least before the return of the said writ; for plea or Judgment "the first Court."

At which mentioned second Tuesday of May, being the twelfth day of the said month, in the year of our Lord one thousand eight hundred and one, and the day of the return of the foregoing writ, come into the General Court here the said Mayor and City Council of Baltimore by Robert Smith their Attorney aforesaid; And the Sheriff of Baltimore County aforesaid, to wit, James Wilson, Gentleman, to whom the said foregoing writ was in form aforesaid directed, makes return thereof to the Court here, thus endorsed, to wit, "Copi Copy served the 14th April. James Wilson Shff."

And the said David Mc Mechen by William Mc Mechen his Attorney, comes and defends the force and injury, when, and so forth, and prays leave of the Court here to imparle until the second Tuesday of October next; and to him it is granted; the same day is given to the said Mayor and City Council of Baltimore also.