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Henry Gaither and Ephraim Gaither use of Henry Gaither
against
Samuel Griffith

Montgomery County towit. Be it remembered that the plaintiffs in this cause by John H Thomas Esquire their attorney sued out the State of Maryland writ of Capias ad respondendum to the Sheriff of the same County directed the tenor whereof ensues as follows, towit,

Montgomery County towit. The State of Maryland to the Sheriff of Montgomery County Greeting we Command you that you take Samuel Griffith late of Montgomery County yeoman if he shall be found within your Bailiwick and him safe keep so that you have his body before the Judges of our next County Court to be held at the Court house in the County aforesaid on the first Monday of November next to answer unto Henry Gaither and Ephraim Gaither in a plea that he render unto them forty two pounds nine shillings and seven pence Current money which to them he owes and from them he unjustly detains and so forth. Hereof fail not at your peril and have you then there this writ. Witness Jeremiah T Chase Esquire Chief Judge of our said Court the 3d day of March in the year of our Lord 1806 Issued the 12th day of August 1806

(J. H. Thomas) Upton Beall Clk

At which said first Monday in November anno Domini one thousand eight hundred and seven being the day of the return of the aforegoing writ Comes the said Henry Gaither and Ephraim Gaither by their attorney aforesaid and the Sheriff of the County aforesaid to whom the same writ was directed likewise Comes and makes return thereof to the Court here thus endorsed, towit,

"Cepi Benj. Ray Shff."

And the said Samuel Griffith being called upon appears here in Court by Wesley Pigman Esquire his attorney thereupon at the prayer of the said Henry Gaither and Ephraim Gaither by their attorney aforesaid the said Samuel Griffith is adjudged to give special bail to the action aforesaid whereupon a Certain George Riley of the County aforesaid present here in Court undertakes for the said Samuel Griffith that in Case the said Henry Gaither and Ephraim Gaither shall recover Judgment against the said Samuel Griffith in the plea aforesaid

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or that he the said Samuel Griffith shall be therein legally Convict that then the said Samuel Griffith shall pay the Condemnation of the Court thereupon or render his body to the Custody of the Sheriff of the County aforesaid in satisfaction thereof or that he the said George Riley will do the same for him And the said Henry Gaither and Ephraim Gaither by their attorney aforesaid files in Court here in the plea aforesaid the following bill obligatory the tenor whereof ensues as follows towit, (25 Cts Stamp) Eleven months after date I promise and oblige my self my heirs executors or administrators to pay unto Henry Gaither & their heirs or assigns the sum of forty two pounds nine shillings and seven pence for value received of them as witness my hand and seal this twenty sixth day of January one thousand seven hundred and ninety nine

Witness Frederick Bowman Samuel Griffith (seal)

And the said Samuel Griffith by his attorney aforesaid prays that the said Henry Gaither and Ephraim Gaither may be ruled to declare against him in the plea aforesaid and it is granted unto him and the said Samuel Griffith by his attorney aforesaid defends the force and injury when and so forth and prays Leave of the Court here to imparle until the first Monday in March next following and he hath it the same day is given to the said Henry Gaither and Ephraim Gaither etc, And now here at this day towit the first Monday in November anno Domini one thousand eight hundred and seven Comes here again into Court as well the said Henry Gaither and Ephraim Gaither by their attorney aforesaid as the said Samuel Griffith by his attorney aforesaid and the said Henry Gaither and Ephraim Gaither by their attorney aforesaid declares against the said Samuel Griffith in the plea aforesaid as follows towit, Montgomery County towit Samuel Griffith late of the County aforesaid yeoman was summoned to answer