October Term 1752

of the Nonpayment of the said Bill of Exchange or the Contents thereof and Protest &c. amounting unto the Sum of Sixteen Pounds five Shillings and nine Pence Sterling Money &c. whereof he the said Edward afterwards to wit on the Day and Year last &c. at the County &c. had Notice Nevertheless the &c. Edward his Promise and Assumption &c. so as &c. made not regarding but minding & fraudulently intending him the said Marcus in this behalf craftily and subtilly to deceive and defraud the &c. Sum of Eighty Pounds Sterling together with the Cost Damages and Interest emanating as &c. unto the &c. Sum of Sixteen Pounds five Shillings and nine Pence Sterling (which two last aforementioned Sums amount in the whole unto the Sum of Ninety six Pounds five Shillings and nine Pence Sterling Money &c.) hath not contented or paid (altho' so to do the &c. afterwards to wit on the Day and Year last &c. and often afterwards at the County &c. was by the said Marcus requested) but the same or any part thereof to contented or pay he hath hitherto altogether refused & still doth Refuse to the Damage &c. of the said Marcus in the Sum of two hundred Pounds Sterling Money &c. and therefore he brings Suit &c.

Bledges &c. John Doe
Rich. Roe

A Copy of which aforegoing Declaration was made and sent with the Writ in the Plea &c.

At which said second Tuesday of April to wit the 15th day of the same Month Anno Domi. 1753 being the Day of the return of the aforegoing Writ came the said Marcus Riehl by his Attorney &c. and the Sheriff of Kent County to whom the same Writ was directed likewise comes and makes return thereof to the Court here Whereupon Endorsed viz. Cepi Corpus Declaration Debt. the fourth Decr. 1752

John Williamson Shff. Kt. Cty.

And the said Edward Scott being called upon appears thereupon at the Prayer of the Plaintiff by his Attorney &c. he is Adjudged to give special Bail to the Action &c. Thereupon he files in Court here the following Bail Piece viz.

Marcus Riehl Plaintiff agt. Edwd. Scott Defendant We Joseph Nicholson John Scott or either of you do Undertake for the said Edward Scott in One Hundred and sixty Pounds Sterling Money of Great Britain to be Levyed on your and either of your Lands and Tenements Goods and Chattels to the use of the said Marcus Riehl the Plaintiff upon Condition that if the said Marcus Riehl do obtain Judgment in an Action of Case depending in the Provincial Court against the said Edward Scott the Defendant that then the said Edward Scott shall pay the Condemnation of the Court thereupon or deliver himself to the Custody of the Sheriff of Kent County in satisfaction thereof or you or one of you will do it for him they acknowledge themselves to be Content therewith this seventh Day of April before Benjn. Hands Esqr. Chief Justice of the County of Kent & the Justices of the Provincial Court.

B Hands

And the said Edward Scott by Stephen Bordley his Attorney comes and defends the force & injury when &c. and prays leave to imparle hereunto until next Court & he hath it & the same Day is given to the Plaintiff also At which said next Court to wit the 11th Day of September Anno Domi. 1753 come again the said Parties Plaintiff and Defendant by their Attorneys &c. and the said Defendant by his said Attorney prays further leave to imparle hereunto until next Court & he hath it & the same Day is given to the Plff. also

At which said next Court to wit the 21st Day of May Anno Domi. 1754 come again the said Parties Plaintiff and Defendant by their Attorneys &c. and the said Defendant by his said Attorney prays further leave to imparle thereto until next Court & he hath it and the same Day is given to the Plaintiff also At which said next Court to wit the 15th day of October Anno Domi. 1754 comes again as well the said Marcus Riehl by his Attorney &c. as the said Edward Scott by his Attorney &c. And the said Edward Scott by his said Attorney as before defends the force & injury when &c. and so forth And says that the &c. Declaration and the matter therein contained are not sufficient in Law for him the said Marcus against him the said Edward his Action &c.

(to)

to have and maintain and that he the said Edward to the Declaration &c. in manner and form &c. made is not by the Law of the Land bound to Answer and this he is ready to Verify wherefore for want of a sufficient Declaration in this behalf the &c. Edward prays Judgment and that the &c. Marcus from having his Action &c. against him the said Edward may be precluded and so forth

Nevertheless the said Edward Scott by his Attorney &c. relinquishes the Averment above by him pretended saith that he cannot Deny the Action &c. of the said Marcus Riehl as &c. against him brought nor but that he Owes to the same Marcus Riehl the &c. Sum of Ninety six Pounds five Shillings and nine Pence Sterling Money in manner and form as the said Marcus Riehl above against him hath Complained Therefore it is Considered by the Justices here That the said Marcus Riehl Recover against the said Edward Scott as well the Sum of Ninety six Pounds five Shillings & nine Pence Sterling Money certain Damages in form &c. Confessed as also the Sum of Pounds of Tobacco by the Court

661 here unto him on his Affent Adjudged for his Costs and Charges by him about his Suit in this behalf laid out and expended and the said Defendant in Mercy and so forth

Mem. The Plff. Releases five Pounds nine Shillings Sterling out of the above Judgment and stays Execution until the last of May

Test R Sewell Clk

2d Writ John Stanfield } Maryland Saint Marys County ss. Be it Remembered that heretofore Command was
vs } given to the Sheriff of Saint Marys County that he should take John Attaway Clark late
The John Attaway Clark } of Saint Marys County Gentleman otherwise called John Attaway Clark of St Marys County in the Province
of Maryland Gent if he should be found in his Bailywick and him should safe keep so that he might have his Body before his Lordships Justices of the Provincial Court to be held at Annapolis the second Tuesday of September then next to Answer unto John Stanfield of a Plea that he render unto him two hundred Pounds Sterling Money of Great Britain which to him he Owes and unjustly detains &c. and that thereof he the said Sheriff should not fail &c. And the said John Stanfield by Daniel Dulany Junr. his Attorney Declared against the said John Attaway Clark in the Plea aforesaid as follows to wit

Marylandss. John Attaway Clark late of Saint Marys County Gentleman otherwise called John Attaway Clark of St Marys County in the Province of Maryland Gent was Summoned to Answer unto John Stanfield of a Plea that he render unto him two hundred Pounds Sterling Money of Great Britain which to him he Owes and unjustly detains &c. And Whereupon the aforesaid John Stanfield by Daniel Dulany Junr. his Attorney saith that Whereas the aforesaid John Attaway Clarke on the third Day of December in the Year of our Lord seventeen hundred and fifty one at Saint Marys County aforesaid by his certain Writing Obligatory acknowledged himself to be held and firmly bound unto the said John Stanfield in the full and just Sum of two hundred Pounds Sterling Money of Great Britain to be paid to the said John Stanfield when afterwards he the said John Attaway Clark should be thereunto required Nevertheless the said John Attaway Clark altho' often required hath not yet rendered the said two hundred Pounds Sterling aforesaid to the said John Stanfield But hath hitherto refused and still doth Refuse to render to him the same Wherefore he says that he is the worse and hath Damage to the Value of One Hundred Pounds Sterling aforesaid and therefore he brings Suit &c. And brings here into Court the Writing Obligatory aforesaid dated with the Seal of the said John Attaway Clark whereof the Debt aforesaid in form aforesaid Witnesseth whose Date is the Day and Year aforesaid first mentioned

Bledges &c. John Doe & Rich. Roe

A Copy of which aforegoing Declaration was made and sent with the Writ in the Plea aforesaid

At which said second Tuesday of September being the nineteenth Day of the same Month

(Anno)