hundred and eleven, being the return day of the foregoing writ, came here into Court the said William Whiteley, by his attorney afs.d and the Sheriff of Talbot County, aforesaid, to whom the said writ was in form aforesaid directed, making return thereof to the Court here, thereon endorsed, to wit "Cepi Bonnett" And the said John Bennett, Sheriff as aforesaid, altho' solemnly called upon, by order of the Court here to bring into Court here the body of the said William B. Smyth, according to the Command of the said writ and the tenor of his return aforesaid, brings him not in, whereupon on motion of the said Whitely by his attorney afs.d it is ruled by the Court here that the said John Bennett Sheriff as afs.d be amerced in the sum of five shillings Current money, unless he have the body of the said William B. Smyth before the Court here, at the next Term of the said Court to be held at Easton, on the fourth Monday of May next, and by the second day thereof to answer unto the said Whitely in the plea afs.d the same day is given to the said Whitely then. At which said fourth Monday of May, in the year Eighteen hundred and twelve, comes into Court here the said William Whitely, by his attorney afs.d and the Sheriff of the County afs.d in pursuance of the Command of the writ afs.d, and according to the tenor of his return thereof as aforesaid, and in compliance with the rule of the Court aforesaid, and to save the amercement aforesaid, brings into Court here the body of the said William B. Smith, Whereupon it is ordered by the Court here, that the rule and amercement aforesaid be discharged and stricken out, - thereupon further process of law upon the premises aforesaid between the parties afs.d by consent of the said parties and their attorneys afs.d by order of the Court here thereon, is further continued until the next Court —

At which said next Court, to wit, on the second Monday of November, in the year Eighteen hundred and twelve, comes into Court here the said William Whitely, by his attorney afs.d and the said William B. Smyth by Nicholas Hammond Esquire his Attorney; and the said Whitely by his attorney aforesaid, declares against the said William B. Smyth in the plea aforesaid, as follows, to wit: Talbot County, to wit, William B. Smyth late of Talbot County, Gentleman was summoned to answer unto William Whitely, of a plea that he render unto him the sum of eight hundred and seventy one pounds, eight shillings current money of Maryland which to him he owes and unjustly detains &c. And whereupon the said William Whitely by John M. G. Emory his Attorney, saith, that whereas the said William B. Smyth on the 7th seventeenth day of April, in the year Eighteen hundred and seven, at Talbot County afs.d by his certain writing Obligatory, acknowledged himself to be held and firmly bound unto him the said William Whitely, in the said sum of eight hundred and seventy one pounds eight shillings current money, to be paid to him the said William Whitely when afterwards he should be thereunto required. Nevertheless the said William B. Smyth (altho' often thereunto required, the said sum of eight hundred and seventy one pounds, eight shillings current money to him the said William Whitely hath not rendered or paid, but the said sum of eight hundred and seventy one pounds eight shillings current money to him the said William Whitely hitherto to render or pay he hath altogether refused and still doth refuse, whereupon the said Whitely saith he is the worse, and hath damage to the value of Eighteen hundred pounds current money and therefore he brings his suit and saith. And the said William Whitely brings here into Court, the writing Obligatory afs.d sealed with the seal of the said William B. Smith which testifies the debt afs.d in form afs.d the date whereof is the day and year afs.d to wit. John M. G. Emory for Plff. Pleads &c. John Doe, Rich.d Roe

The writing obligatory mentioned in the foregoing Declaration is in the words following to wit

Know all men by these presents that I William B. Smyth of Talbot County and State of Maryland am held and firmly bound unto William Whitely of Caroline County and State afs.d in the full and just sum of eight hundred and seventy one pounds, eight shillings to be paid to the said William Whitely his certain Attorney, Executors, administrators or assigns: To which payment well and truly to be made & done I bind myself my

heirs executors and administrators firmly by these presents Sealed with my seal & dated this seventeenth day of April eighteen hundred and seven. The Condition of the above Obligation is such, that if the above bound William B. Smyth his heirs executors and administrators do and shall well and truly pay or cause to be paid unto the afs.d William Whitely his certain attorney, executors, administrators or designs, the sum of two hundred and seventeen pounds seventeen shillings with legal interest thereon on or before the seventeenth day of April Eighteen hundred and eight, and the like sum of two hundred and seventeen pounds, seventeen shillings with legal interest thereon on or before the seventeenth day of April Eighteen hundred and nine next ensuing the date hereof then the above Obligation to be void, and of none effect else remain in full force and virtue in law. Wm B. Smyth (Seal)

Signed, sealed and delivered, In the presence of William Comer Jun.r

On the back of the foregoing writing were the following endorsements, to wit —

Received this 11th day of November 1809 of Major William B. Smyth the interest of the within Bond up to the seventeenth day of April Eighteen hundred and nine — the interest being $2 2s 6d

Wm M. G. Emory —

Received this 15th day of June 1810. of Major William B. Smyth the Interest of the within Bond up to the seventeenth day of April Eighteen hundred and ten being £26. 2s. 10. Wm M. G. Emory

Received this 25th day of May 1811. of Col. William B. Smyth the Interest of the within Bond up to the seventeenth day of April Eighteen hundred & eleven — being £26. 2s 10 Wm M. G. Emory

And the said William B. Smyth by his attorney aforesaid, defends the force and injury when &c. & says that he cannot deny the action afs.d of the said Whitely so as afs.d against him brought, nor can he deny but that he owes to the — Whitely the said sum of Eight hundred and seventy one pounds eight shillings in manner & form as the said Whitely above complains against him; and thereupon the said Whitely prays Judgment for his said Debt, so as afs.d confessed to be due & owing, together with his Damages which he has sustained, as well by reason of the detention of the said Debt as for his Costs and Charges by him about his suit in this behalf to him the adjudged by. Therefore it is considered by the Court here that the said William Whitely recover against the said William B. Smith as well the said sum of Eight hundred and seventy one pounds eight shillings current money his Debt afs.d in form afs.d confessed, as the sum of seven Dollars and forty one Cents, for his damages which he hath sustained as well by reason of the detention of the said Debt as for his Costs and Charges by him about his suit in this behalf laid out & expended, adjudged unto the said William Whitely by the Court here with his assent, and the said Whitely in money &c. Memorandum. Judgment was confessed in this action on the tenth day of November in the year of our Lord One thousand eight hundred and twelve for Eight hundred and seventy one pounds eight shillings, penalty, & the Costs: to be released on the payment of two hundred and seventeen pounds seventeen shillings with Interest to be taxed thereon from the seventeenth day of April Eighteen hundred and seven, & the like sum of two hundred and seventeen pounds seventeen shillings with interest to be taxed thereon from the seventeenth day of April Eighteen hundred and seven till paid & the Costs of suit, Payments if any to be allowed. Test Lockerman Bk.

Sold thereupon the said William B. Smith by his attorney aforesaid prays that he may appeal from the Judgment aforesaid of the Court here, so as aforesaid rendered, to the High Court of Appeals and to him the same is granted by the Court here, whereupon the said William B. Smyth exhibiteth to the Court here an appeal Bond entered into by himself and two sureties which by the Court here are approved of, the tenor whereof follows in the following words, to wit

Know all men by these presents, that we William B. Smyth and William Meeling & Joseph Martin of Talbot County, in State of Maryland, Gentlemen, are held & firmly bound unto William Whitely of Caroline County in the said State, in the full and just sum of two hundred pounds current money of Maryland, to be paid to the said William Whitely his certain Attorney his Executors, Administrators or assigns, to the payment whereof well and truly to be made and done, we bind ourselves our heirs Executors & administrators, jointly & severally