George Denning for the use of Henry Page versus Elizabeth Thomas Extx of William Thomas.

Be it remembered that heretofore to wit, on the third Monday of March, being the sixteenth day of the same month in the year of our Lord one thousand eight hundred and twelve, The Honorable the Judges of the Court of Appeals of the State of Maryland held at Easton for the Eastern Shore of the said State in pursuance of an Act of Assembly in such case made and provided transmitted to Kent County Court here the record and proceedings of a plea of Debt which lately depending before them in the said Court of appeals between Elizabeth Thomas Executrix of William Thomas, Appellant, and George Denning, appellee, and wherein the said Court of Appeals reversed the Judgment and opinion of Kent County Court before whom the matter was heretofore tried and determined, which said record and proceedings with the Writ of the State of Maryland of Procedendo thereto annexed here follow in the words and figures, and of the tenor following to wit. The State of Maryland, to wit. At a Court of Appeals held for the Eastern Shore of the said State, at Easton in Talbot County, on the second Monday of December in the year of our Lord one thousand eight hundred and eleven before the said State's Judges duly authorised and assigned to preside in the same of whom were present. The Honble William Pitt, Joseph H. Nicholson, Richard Earle & John Johnson Esquires Judges. John Bennett Esquire Shff. James Tilghman Clk.

The following proceedings were duly made and entered that is to say—

Elizabeth Thomas Executrix of Wm Thomas versus George Denning use of Henry Page

Be it remembered that heretofore to wit, on the second Monday of June in the year of our Lord one thousand eight hundred & ten the Chief Justice and Associate Justices of Kent County Court in pursuance of the Act of Assembly in such case made & provided transmit to the Court of appeals here the record & proceedings of a plea of debt which was lately depending before them in the said County Court, between George Denning plaintiff, and Elizabeth Thomas Executrix of William Thomas, defendant, & wherein the said County Court gave Judgment for the said George Denning against the said Elizabeth Thomas, Executrix of William Thomas (and from which said Judgment the said Elizabeth Thomas prayed an appeal unto the Court of appeals here, the record & proceedings of which said record and proceedings is in the words following that is to say—

Maryland Kent County to wit. At a County Court of the second Judicial District of the State of Maryland begun and held at the Court house in the Town of Chester in and for the said County, on the third Monday of March, in the year of our Lord one thousand eight hundred and ten, and in the thirty fourth year of the Independence of the United States of America present. The Honble Richard Tilghman Earle Esquire Chief Judge — Samuel Purnell Thomas & Worrell Esquires associate Judges — Edward Wilkins Esq. Shff & Benjamin Chambers Clk.

In the record and proceedings of the said Court amongst other things appears the following to wit.

George Denning for the use of Henry Page versus Elizabeth Thomas Extx of William Thomas

Be it remembered that heretofore to wit, on the thirteenth day of April in the year of our Lord one thousand eight hundred & ten the said George Denning by Luther Martin & William Barroll his attorneys prosecuted out of the late General Court of the State of Maryland holden for the Eastern Shore of the State, the Writ of the same State of Maryland of Capias ad respondendum to the Sheriff of Kent County aft directed in the words and figures and of the tenor following to wit. The State of Maryland. To the Sheriff of Kent County Greeting: We Command you that you take William Thomas late of Kent County and State of Maryland if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of our General Court to be held for the Eastern Shore of this State at Easton in Talbot County on the second Tuesday of September next to answer unto George Denning in a plea that he render unto him the said George the sum of

eight hundred pounds current money which he owes to him the said George and from him he unjustly detains and so forth. Witness the Honorable Samuel T. Chase Esquire Chief Judge of our said Court the tenth day of April 1814. Issued this 13th day of April 1814. Test. James Earle Clk.

And the said George Denning by his Attorney aforesaid on the day of prosecuting and suing forth the said Writ declared in the said late General Court against the said William Thomas in the plea of in manner and form following, to wit. Eastern Shore State of Maryland. Kent County, to wit. William Thomas late of Kent County and State of Maryland was summoned to answer unto George Denning in a plea that he render unto him the said George, the sum of eight hundred pounds current money, which he owes to him the said George and from him he unjustly detains and so forth. And whereupon the said George by Luther Martin his Attorney saith that whereas the said William on the twenty second day of September in the year of our Lord one thousand seven hundred and ninety two at Kent County aft. by his certain writing obligatory, sealed with the Seal of the said William and unto the Court here shewn whose date is the day and year last aft. acknowledged himself to be held & firmly bound unto the said George in the sum of eight hundred pounds to be paid to the said George his certain attorney, Executors administrators or assigns whenever he the said William should be thereunto afterwards requested. Nevertheless the said William although often times afterwards requested by the said George hath not paid the said sum of money or any part thereof but the said William altogether refused to pay the before mentioned sum of money or any part thereof to the said George, and he the said William doth still refuse to pay the said sum of money or any part thereof to the said George, wherefore he the said George saith that he is injured and hath sustained damage to the value of seven hundred pounds current money and therefore he brings his Suit &c.

Luther Martin atty for the plaintiff pledges prosecuting. John Doe & Richard Roe.

Over of the writing obligatory whereof mention is made in the aforegoing Declaration and the Condition thereof here follows in the following words and figures, to wit.

Know all men by these presents that I William Thomas of Kent County and State of Maryland am held and firmly bound unto George Denning of the County & State aft. in the sum of eight hundred pounds good & lawful money of Maryland to be paid to the said George Denning or to his certain attorney heirs executors and administrators to the which payment well and truly to be made and done I do bind myself my heirs executors & administrators, jointly and severally firmly by these presents sealed with my seal and dated this twenty second day of September one thousand seven hundred and ninety two 1792.

The Condition of the above Obligation is such, that if the above bounden William Thomas or his Heirs Executors or administrators or any of them shall and do well and truly pay or cause to be paid unto the above named George Denning his certain attorney, Executors or administrators the just and full sum of four hundred pounds like money as aft. on or before the first day of January one thousand seven hundred and ninety six, with legal Interest thereon after the first day of January now next coming ensuing the date hereof then the above Obligation to be void, else to be and remain in full force and virtue in Law.

William Thomas (Seal)

Signed, Sealed & delivered, in the presence of George Newcomb.

Copies of which said declaration & Over were made and sent to the Sheriff of Kent County aft. with the said Writ thereon endorsed to be served on the defendant with the Writ, a Copy at the last place of abode eight days at least before the return of the said Writ, for plea or Judgment the first Court. At which mentioned second Tuesday of September in the year of our Lord one thousand eight hundred and four, and the day of the return of the aforegoing writ, came into the said late General Court aft. the said George Denning by his Attorneys aforesaid, and the Sheriff of Kent County aft. to wit, William M. Peto Gentleman, to whom the said Writ was in form aft. directed, has the return thereof to the Court here thus endorsed to wit. Kent County, to wit. I hereby certify to the Honorable — " — " — the Judges of the General Court within mentioned that by virtue of the within Writ to me directed I have taken the body of the within named