Plaintiff, and Elizabeth Thomas Executrix William Thomas is defendant, and was qualified in the following form to wit You shall according to the best of your skill & knowledge truly & faithfully and without partiality to any of the parties take the examination & deposition of all and every Witness and witnesses produced and examined by virtue of the Commission hereunto annexed upon the interrogatories now or which may hereafter, before the said Commission is closed be produced to and left with you by either of the said parties, so help you God. George Cummins Sworn to and subscribed by George Cummins this 28th day of February 1814. before me James Lowe Kenton, Duck Creek South County and State of Delaware. I George Cummins the Commissioner above named and qualified, do hereby appoint Howell Buckingham as Clerk to take the Depositions of the Witnesses to be examined in the annexed Commission & administered to him the following Oath. You shall truly faithfully and without partiality to any or either of the parties in this cause, take write down and transcribe the deposition of all and every Witness and Witnesses produced before and examined by the Commissioner named in the Commission hereunto annexed as far forth as you are directed & employed by the said Commissioner to take write down and transcribe the said depositions or any of them, So help you God. Howell Buckingham. Sworn & subscribed by Howell Buckingham this 28. February 1814. George Cummins

At the store of John Wells Esq. in Kenton, Duck Creek hundred in the County of Kent State of Delaware, Joseph Polk of Kenton aforesaid being sworn before me the Commissioner mentioned in behalf of Elizabeth Thomas Exr of William Thomas, having been qualified on his Corporal Oath administered on the holy Evangelist of Almighty God, as follows to wit. Question 1. Do you know the parties in the above stating Answer I do not. 2. Did you know one Aquilla Attix late deceased were you acquainted with his Hand writing. Answer. I know him & was acquainted with his hand writing. Q. Look upon the paper marked C.D. and say if the name Aquilla Attix signed thereto as a witness, is the hand writing of the said Aquilla Attix Answer. I believe that hand to be Aquilla Attix's handwriting. Joseph Polk

I Howell Buckingham, Clerk to George Cummins the Commissioner mentioned in the annexed Commission do hereby Certify that the foregoing is a true statement of the answer of Joseph Polk to the interrogatories to him put as Witness my hand this 28th day of February 1814. Howell Buckingham

Kenton aforesaid March 1. 1814. Nathaniel Wild of Duck Creek, hundred in the County of Kent and State of Delaware being brought before me George Cummins the Commissioner named in the annexed Commission and being qualified on the holy Evangelists of Almighty God and answeth as follows. To the first interrogatory he saith. I know George Denning for some years past. To the second Interrogatory he saith I know Aquilla Attix dec^d and was acquainted with his hand writing. To the third Interrogatory he saith I believe it is his true hand writing. – Howell Buckingham Clk – Nathaniel Wilds

March 1. 1814. I George Cummins named in the annexed Commission do hereby Certify that James Lowe before whom I was qualified as a justice of the peace in the aforesaid for the County of Kent and State of Delaware, and I do hereby further Certify that I appointed & qualified Howell Buckingham as a Clerk to write down the testimony and that the same is his proper handwriting and that Joseph Polk & Nathaniel Wilds the Witnesses were qualified by me according to law, and that the answers to the interrogatories to them put are the true answers by them seperately given. In Witness of all which I the said George Cummins hath hereunto set my hand & seal the day and year above written. George Cummins (Seal)

A Copy of the paper marked C.D. here follows in the following words –

Rec^d Oct. 24th 1792. of Wm Thomas one Bond for one hundred twenty five pounds to be discounted out of the first payment of the land sold him & also rec^d one other

bond for two hundred and twenty nine pounds, fifteen shillings to be discounted out of the second payment of the land sold Wm Thomas which I assigned this day to Edmund Lynch. Witness my hand the above day – George Denning. – Charles Jones, Aquilla Attix

Whereupon for trying the issues aforesaid it is ordered by the Court here that twenty persons from the panel of petit jurors returned to the Court here by the Sheriff of Kent County aforesaid be drawn by ballot according to the act of Assembly in such case made and provided; and thereupon the twenty persons being so drawn by ballot and written upon two lists, one of which said lists is delivered to the Counsel for the respective parties and they having each stricken four persons therefrom, thereupon the remaining twelve persons being called come to wit. James Brooks foreman, William Palmer, Amos Reed, Samuel Thomas, William Woodland, James Eagle, John Gale, Thomas Gale, Ringold Symson, Bartholomew Etherington, Rasin Gale and Thomas Gale junr who being unparnelled & sworn to say the truth in the premises upon their oath do say, that the said William Thomas in his lifetime did not pay to the said George Denning, the sum of four hundred pounds current money in the condition aforesaid mentioned, with the interest thereon due, according to the form and effect of the same Condition, or any part thereof, nor did he the said George Denning ever receive from him the said William Thomas in his lifetime, the sum of four hundred pounds current money with the Interest as aforesaid in full satisfaction and discharge of the said Condition of the writing obligatory aforesaid as the said George Denning by replying above hath alledged and they find the sum of Three hundred and sixty five pounds twelve shillings is really and justly due to the said George Denning on the said writing obligatory. Therefore it is considered by the Court here, that the said George Denning recover against the said Elizabeth Thomas Executrix as aforesaid as well the sum of four hundred pounds current money his debt aforesaid, to be released on the payment of Three hundred and sixty five pounds twelve shillings current money (by the Jurors aforesaid in form aforesaid assessed) with Interest thereon from the twenty eighth day of March eighteen hundred and thirteen according to the act of Assembly, in such cases lately made and provided, as also the sum of ninety one dollars and thirty cents lawe money by the Court here unto the said George Denning on his assent adjudged for his damages which he hath sustained, as well by occasion of the detention of the said debt, as for his Costs and charges by him about his suit in this behalf laid out and expended, to be levied of the goods & chattels which were of the said William Thomas at the time of his death in the hands of the said Elizabeth Thomas remaining to be administered, if so much thereof she hath &c. and if so much thereof in her hands to be administered she hath not, then the damages Costs and charges aforesaid to be levied of the proper goods and chattels of the said Elizabeth Thomas & that the said George Denning have thereof his execution &c.

Memorandum. Judgment was rendered in this cause on the twenty eighth day of March eighteen hundred and fourteen, for the penalty of the bond and costs of suit. To be released on payment of the sum found by the Jury, with Interest from that day, until paid & costs of suit.

Test. Ben Chambers Clk

And thereupon the said Elizabeth Thomas by her attorneys aforesaid prays an appeal from the Judgment aforesaid, so as aforesaid rendered to the Court of Appeals of the State of Maryland to be holden for the Eastern Shore of the said State and it is granted her, whereupon the said Elizabeth Thomas by her attorneys aforesaid files in Court here a certain written obligatory commonly called an appeal bond & which is contained in the following words, that is to say –

Know all men by these presents that we Elizabeth Thomas, Joseph Shaw & William Spencer of Kent County, in the State of Maryland, are held and firmly bound unto George Denning of the County and State aforesaid in the full and just sum of nine hundred & ninety nine pounds thirteen shillings and six pence current money, to be paid to the said George Denning or his certain attorney his executors, administrators or assigns, to which Payment well & truly to be made we bind ourselves and every of us our and every of our heirs executors