Samuel Hughes and John Swann against John Jacob Schley

Memorandum, the Justices of the County Court of Frederick transmit to the Judges of our General Court here the following record on appeal made by John Jacob Schley the Tenor whereof follows in these words, to wit

Maryland Frederick County, to wit, At a County Court begun and held at Frederick Town in and for the County aforesaid on the third Tuesday of August being the twenty first day of the same month in the year seventeen hundred and eighty seven —

Were Present

The Worshipful Upton Sheredine
William Beatty George Scott
Jacob Young William Maguder
James Johnson Charles Warfield
William Murdock Beall Henry Darnall
William Luckett George Murdock Jr
John Hofs Key John Griffith

Gentlemen Justices in and for the County aforesaid duly Commissioned and qualified and so forth —

Thomas Beatty Gent. Shff William Ritchie Clk.

Are the following proceedings to wit —

Samuel Hughes and John Swann against John Jacob Schley } Judgment confessed and appeal granted — Be it remembered that heretofore, to wit, the eighth day of November in the year Seventeen hundred and eighty six — Command was given to the Sheriff of Frederick County that he should take John Jacob Schley late of Frederick County Merchant if he should be found in his bailiwick and him safe keep so that he might have his Body before the Justices of the then next County Court to be held at the Court House in Frederick Town in said County on the third Tuesday of November then instant to answer unto Samuel Hughes and John Swann in a plea of Trespass on the case and so forth and that thereof he the said Sheriff should not fail at his peril and that he should have then and there that Writ and so forth —

And the said Samuel Hughes and John Swann declared against the said John Jacob Schley in the plea aforesaid as follows to wit —

Frederick County, to wit, John Jacob Schley late of Frederick County Merchant was attached to answer unto Samuel Hughes and John Swann in a plea of Trespass on the Case and so forth — And whereupon the said Samuel and John by Richard Potts their attorney complain that whereas the aforesaid John Jacob Schley on the third day of April in the year Seventeen hundred and eighty six at Frederick County

aforesaid was indebted unto them the said Samuel and John in the sum of one hundred and six pounds, sixteen shillings and eleven pence Current Money for divers Goods, wares and merchandyzes which the said Samuel and John before that time sold and delivered to the said John Jacob Schley and at his special instance and request and being so indebted he the said John Jacob Schley in consideration thereof afterwards, to wit on the same day and year last aforesaid at the County aforesaid undertook and then and there faithfully promised the said Samuel and John to pay them the said sum of one hundred and six pounds sixteen shillings and eleven pence Current Money when he should be afterwards thereunto requested — Nevertheless the said John Jacob Schley his promise and assumption aforesaid so as aforesaid made not regarding but minding and fraudulently intending them the said Samuel and John in this behalf craftily and subtilly to deceive and defraud the aforesaid sum of Money or any part thereof to them the said Samuel and John hath not contented or paid (although so to do the aforesaid John Jacob Schley afterwards to wit on the day and year aforesaid and often afterwards at the County aforesaid by the said Samuel and John was requested) but the same or any part thereof to content or pay he hath altogether refused and still doth refuse to the damage of them the said Samuel and John in the sum of one hundred and fifty pounds Current Money and therefore they bring suit and so forth —

Pledges &c so forth — John Doe & Richd Roe —

At which said third Tuesday of November, to wit, being the twenty first day of the same Month in the year Seventeen hundred and eighty six, and the day of the return of the aforegoing recital writ came the said Samuel Hughes and John Swann by their attorney aforesaid and the Sheriff of Frederick County to whom the same writ was directed also comes and makes return thereof to the Court here thus endorsed, to wit —

"Cepi" Th^s Beatty Shff.

Whereupon the said John Jacob Schley being called appears and at the prayer of the Plaintiffs by their attorney aforesaid the said John Jacob Schley is adjudged to give Special Bail to the action aforesaid Thereupon the said John Jacob Schley by Baker Johnson his attorney files in Court here the following Bail Piece, to wit —

Samuel Hughes and John Swann Plaintiffs ag^t John Jacob Schley Deft.

you Saml Thomas do acknowledge yourself special bail for John Jacob Schley at suit of Saml Hughes and John Swann in an action of Debt brought by the said Saml Hughes and John Swann against the said John Jacob Schley in Frederick County Court you acknowledge yourself content therewith this 24th day Novr 1786 —

Before. Geo. Murdock

To the Worshipfull Justices of Fr. County Court —