A Copy of which aforegoing Declaration and Oyer was made and sent with the writ which Issued in the plea aforesaid.

And now here at this day to wit the second tuesday of May being the thirteenth day of the same month Anno Domini Seventeen hundred and eighty eight and the day of the return of the aforegoing writ comes the said Thomas Hyde by his Attorney aforesaid, and the Sheriff of Ann Arundel County to whom the same writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit.

Capi D Stewart Shff now out of time.

And the said Samuel being called upon appears. Thereupon at the prayer of the said Thomas Hyde by his Attorney aforesaid the said Samuel Harrison is adjudged to give Special bail to the Action aforesaid.

Whereupon a certain Philemon Lloyd Chew of ann Arundel County Gentleman present here in Court in his proper person undertakes for the said Samuel Harrison that in case the said Thomas Hyde shall recover Judgment against the said Samuel Harrison in the plea aforesaid or that the said Samuel Harrison shall be therein legally convict that then the said Samuel Harrison shall pay the condemnation of the Court thereupon or render his Body to the Custody of the Sheriff of ann Arundel County in Satisfaction thereof or that he the said Philemon Lloyd Chew will do the same for him.

And the said Samuel Harrison by Gabriel Duvall his Attorney defends the force and injury when and so forth, and prays leave to Imparle hereunto untill next Court; and he hath it, and the same day is given to the Plaintiff also

At which said next Court to wit the fourteenth day of October Anno Domini Seventeen hundred and eighty eight comes again as well the said Thomas Hyde by his Attorney aforesaid as the said Samuel Harrison by his Attorney aforesaid

And the said Samuel Harrison by his Attorney aforesaid as before defends the force and injury when and so forth, and saith that the said Thomas Hyde his action aforesaid against him to have or maintain ought not &c because he saith that he the said Samuel Harrison did pay unto the said Thomas Hyde the said sum of Money in the Condition of the said writing obligatory mentioned with legal Interest thereon according to the form and effect of the Condition of the said writing Obligatory and this he is ready to verify wherefore he prays Judgment if the said Thomas Hyde his Action aforesaid against him to have or maintain ought &c.

And the said Thomas Hyde saith that he by any thing by the said Samuel Harrison above in pleading alledged from having or maintaining his action aforesaid against him the said Samuel Harrison ought not to be precluded

because he says that the said Samuel Harrison did not pay unto him the said Thomas Hyde the said sum of Money in the Condition of the said writing Obligatory mentioned with legal Interest thereon according to the form and effect of the Condition of the said writing obligatory in manner and form aforesaid so as the aforesaid Samuel Harrison above hath alledged, and this he prays may be enquired of by the Country and the aforesaid Samuel Harrison in like manner and so forth.

Whereupon this Cause standing ready for Trial, Command is given to the Sheriff of ann Arundel County that he cause to come before the Judges of our General Court here on the second tuesday of May next twelve &c by whom &c and who neither &c to recognize &c because, as well &c the same day is given to the said parties then and there &c

At which said second tuesday of May being the twelfth day of the same month Anno Domini Seventeen hundred and eighty nine comes again as well the said Thomas Hyde by his attorney aforesaid as the said Samuel Harrison by his Attorney aforesaid

Nevertheless the aforesaid Samuel Harrison by his Attorney aforesaid relinquishing the Averment above by him pretended says that he cannot deny the action aforesaid of the aforesaid Thomas Hyde so as aforesaid against him brought nor but that he owes to the said Thomas Hyde the aforesaid sum of Seven hundred pounds current Money in manner and form aforesaid so as the aforesaid Thomas Hyde above against him hath declared.

Therefore it is considered by the Judges here that the said Thomas Hyde recover against the said Samuel Harrison as well the sum of Seven hundred pounds Current Money his Debt aforesaid in form aforesaid confessed as also the sum of Six hundred and forty pounds and one fifth of a pounds of Tobacco by the Court here unto him on his Agreement adjudged as well for his Damages sustained by Occasion of the detention of that Debt as for his costs and charges by him about his suit in this behalf laid out and expended, and the said Defendant in Mercy &c.

Memorandum, The Plaintiff releases the Penalty on payment of the Principal Interest and Costs of Suit, And agrees to stay Execution until the first day of August next, payments if any to be allowed.

Test

John Quinn Clk.

Afterwards to wit, On the twenty eighth day of July seventeen hundred and eighty nine the aforesaid Samuel Harrison produced the State of Maryland's Writ of Error commanding the Judgment to be transmitted to the high Court of Appeals which said Writ of Error follows in these words to wit.

Maryland ss. The State of Maryland, To the Honorable the Judges of the General Court Greeting, Because in the Record and Process and also in the