A. R. William Constable
a
R. S. John Smith Junr.

Be it Remembered that heretofore to wit on the fourteenth day of April Anno Dominie seventeen hundred and eighty eight the Plaintiff by Archibald Robinson his attorney sued out of the Court here the states writ of Capias ad respondendum directed to the Sheriff of Baltimore County in the words and figures following to wit –

The state of Maryland sc. To the Sheriff of Baltimore County Greeting, We command you that you take John Smith the younger late of Baltimore County Merchant 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 at the City of Annapolis on the second tuesday of May next to answer unto William Constable of a plea of Trespass on the case and so forth hereof fail not at your Peril and have you then and there this writ, Witness Robert Hanson Harrison Esquire chief Judge of our said Court the 19th day of November Anno Dominie 1787 –

Issued the 14th day of April 1788 – Thomas B. Hodgkin Cl
a Robinson

and the aforesaid William Constable by his attorney aforesaid declared – against the said John Smith the younger in the plea aforesaid as follows to wit

Western shore of Maryland Baltimore County to wit. John Smith the younger late of Baltimore County Merchant was attached to answer unto William Constable of a plea of Trespass on the case and so forth, and Whereupon the same William Constable by Archibald Robinson his – attorney complains that the aforesaid John Smith after the first day of May in the year seventeen hundred and five to wit the Eleventh day of May in the year seventeen hundred and eighty Seven at the County aforesaid did make his certain Note in writing called a promissory Note bearing date the same day and year last aforesaid with his proper Name and hand thereto subscribed and note to the aforesaid William Constable then there did deliver and by the same note did promise to pay to the said William Constable or order on or before the first day of September next ensuing the date of the said Note the sum of two hundred and forty two pounds ten Shillings current Money of Maryland with legal Interest for the same from the date of the said Note for value received when thereto afterwards he should be required according to the tenor and effect of the same Note by reason thereof and also by force of the Statute in such cases made and provided the same John Smith was and became liable and chargeable to pay unto the said William Constable the said sum of two –

hundred and forty two pounds and ten Shillings current Money aforesaid according to the tenor and effect of the same Note and so thereof being liable and chargeable the aforesaid John Smith in consideration thereof then and there assumed upon himself and faithfully promised the said William Constable to pay him the said – William Constable the aforesaid sum of Money according to the tenor and effect of the same Note, Nevertheless the aforesaid John Smith his promise and assumption aforesaid not regarding but intending the said William Constable in this part to defraud the aforesaid sum of Money or any part thereof to the said William Constable yet hath not paid (altho' to do the same by the aforesaid William Constable the aforesaid John Smith on the second day of September in the year seventeen hundred and eighty seven and often afterwards at the County aforesaid was required but the same to him to pay altogether hitherto hath refused and still doth refuse To the damage of the said William Constable five hundred pounds current Money of Maryland and therefore he brings suit and so forth –

Arch.ld Robinson Att.y for Pltff pledges to prosecute John Doe and Richard Roe

A Copy of which aforegoing Declaration was made and sent with the writ which issued in the plea aforesaid –

And now here at this day to wit the said Second tuesday of May being the thirteenth day of the same month Anno Dominie seventeen hundred and eighty eight comes the said William Constable by his Attorney aforesaid, and the Sheriff of Baltimore County to whom the same writ was made and directed likewise comes and makes return thereof to the Court here thus endorsed to wit –

Cepi Copy left 25th April Philip Graybill Sheff

and the said John Smith the younger being called upon appears, and at the prayer of the said William Constable by his Attorney aforesaid the said – John Smith the younger is adjudged to give Special bail to the action aforesaid

Whereupon a certain John Spear of Baltimore County Gentleman present here in Court in his proper person undertakes for the said John Smith the younger that in case the said William Constable shall recover Judgment against the said John Smith the younger in the plea aforesaid, or that the said John Smith the younger ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ shall be therein legally convict that then the said John Smith the younger shall pay the condemnation of the Court therefor or render his body to the Custody of the Sheriff of Baltimore County in satisfaction thereof or that he the said John Spear will do the same for him –

and the said John Smith the younger by Robert Smith 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 –