when paid in part of the above sum and the remainder by the first of May in the year seventeen hundred and seventy six with legal Interest for the same then the above Obligation to be void else to remain in full force and Vertue in law –

Signed sealed and Delivered in the presence of } Thos. Gantt Junr. (Seal)

Thomas Johns

and the said Thomas Gantt Junior by Gabriel Duvall his Attorney comes and 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 Plaintiffs also.

At which said next Court to wit the fourteenth day of October anno Domini seventeen hundred and eighty eight come again as well the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart by their Attornies aforesaid as the said Thomas Gantt Junior by his Attorney aforesaid –

and the said Thomas Gantt Junior by his Attorney aforesaid as before defends the force and injury when and so forth, and saith that the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart their action aforesaid against him to have or maintain ought ought not &c. because he saith that he the said Thomas Gantt Junior did pay unto the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart the said sum of Money in bills of Exchange as 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 Montgomerie, Cumberland Wilson and Adam Stewart their action aforesaid against him to have or maintain ought &c –

and the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart say that they by any thing by the said Thomas Gantt Junior above in pleading alledged from having or maintaining their action aforesaid against him ought not to be precluded because they say that he the said Thomas Gantt Junior did not pay unto the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart the said sum of Money in bills of Exchange as 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 Thomas Gantt Junior above hath alledged and this they pray may be enquired of by the County and the aforesaid Thomas Gantt Junior 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 come again as well the said Thomas Montgomerie, Cumberland Wilson and Adam Stewart by their Attorney aforesaid as the said Thomas Gantt Junior by his Attorney aforesaid –

Nevertheless the aforesaid Thomas Gantt Junior by his Attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the action aforesaid of the aforesaid Thomas Montgomerie, Cumberland Wilson and Adam Stewart so as aforesaid against him brought nor but that he owes to them the aforesaid sum of twelve hundred and eighty seven pounds Current Money in manner and form aforesaid so as the aforesaid Thomas Montgomerie, Cumberland Wilson and Adam Stewart above against him hath declared –

Therefore it is considered by the Judges here that the said Thomas Montgomerie Cumberland Wilson and Adam Stewart recover against the said Thomas Gantt Junior as well the sum of twelve hundred and eighty seven pounds current Money their debt aforesaid in form aforesaid confessed as also the sum of seven hundred and eighteen pounds and one fifth of a pound of Tobacco by the Court here unto them on their agreement adjudged as well for their damages sustained by Occasion of the detention of that Debt as for their Costs and charges by them about their suit in this behalf laid out and expended, and the said Defendant in Mercy &c.

Memorandum, The Plaintiffs release the penalty on payment of the Principal Interest and Costs of suit, and agree to stay Execution untill the first day of August next, payments if any to be allowed – Subject to the Courts opinion as to Interest during the late war between Great Britain and America.

Test

John Gwinn Clk

Afterwards to wit On the thirty first day of July seventeen hundred and Eighty nine the aforesaid Thomas Gantt Junior produced the State of Maryland writ of Error commanding the Judgment aforesaid 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 rendering of Judgment on a certain action brought by Thomas Montgomerie Cumberland Wilson and Adam Stewart against Thomas Gantt Junr. for the sum of twelve hundred and eighty seven pounds current Money and Costs to be