the said Edward Scott Ware and Edward Jenkins should be convicted in the plea aforesaid then the same Bail hath granted as well the debt aforesaid as all such damages costs and charges which to the said Hendley McCoy may be in this behalf adjudged of his lands & chattels to be paied and to the use and behoof of the said Hendley McCoy levied if the said Edward Scott Ware and Edward Jenkins should happen not to pay the said debt and those damages costs and charges or not render himself to the prison of our said County of Charles before us on that account and the said Edward Scott Ware and Edward Jenkins by their Attorney aforesaid come and defend the force and injury when &c. and pray leave to imparle here until our next County Court to be holden at Charles Town on the Monday before the first tuesday in april next and they have it, and the same day is given to the said Hendley McCoy also.

At which day to wit the Monday before the first tuesday in april aforesaid come again the parties aforesaid by their Attorneys aforesaid and the said Edward Scott Ware and Edward Jenkins by their said Attorney as before defends the force and injury when &c. and pray further leave to imparle here until our next County Court to be holden at Charles Town on the Monday before the second tuesday in June next and they have it, & the same day is given to the said Hendley McCoy also.

And now here at this day to wit the Monday before the second tuesday in June aforesaid come again here the parties aforesaid as well the said Hendley McCoy by his Attorney aforesaid as the said Edward Scott Ware and Edward Jenkins by their Attorney aforesaid and the said Edward Scott Ware and Edward Jenkins by their said Attorney as before produces to the Court Here the following Habeas Corpus to wit.

The State of Maryland Sc. To the Justices and Sheriff of Charles County Greeting Whereas a certain Edward Scott Ware and Edward Jenkins are detained in the prison of our said County under the custody of you our said sheriff at the suit of a certain Hendley McCoy of a plea of Debt and so forth, which said plea, as it is said, still depends before you our said Justices undetermined; and we being willing for divers causes that the plea aforesaid, undetermined as aforesaid should be heard and determined before the Judges of our General Court; therefore we command you that you have the bodies of the said Edward Scott Ware and Edward Jenkins by whatsoever name or names they may be called in the plea aforesaid, together with the cause of their caption and detention, and all things thereunto relating before the Judges of our General Court, to be held at the City of Annapolis the second tuesday of October next, that the Judges of our said General Court may further proceed therein, as to Justice appertains and so forth. Hereof fail not at your peril, and have you then and there this writ. Witness the Honourable Robert Hanson Harrison Esquire Chief Judge of our said Court this 12th day of June Anno Domini 1788.

Issued the 7th day of July 1788. (P. B. Key) John Gwinn Clk.

which being read and heard is allowed of and it is ordered that the proceedings be herewith transmitted accordingly Test. John B. Turner Clk.

Maryland, Charles County to wit. In Testimony that the aforegoing proceedings are truely copied from the Records of Charles County Court.

(Seal of Charles County Court) I have hereunto set my hand and affixed the seal of my Office this sixteenth day of september Anno Domini one thousand seven hundred and eighty eight

John B. Turner Clk Chas. Cty. Court

At which said second tuesday of October to wit, the fourteenth day of the same month Anno

Domini seventeen hundred and eighty eight, come here into our General Court as well the said Hendley McCoy by Michael Jenifer Stone and William Hammond Dorsey his Attorney as the said Edward Scott Ware and Edward Jenkins by Philip Barton Key their Attorney. And the said Edward Scott Ware and Edward Jenkins by their Attorney aforesaid as before defend the force and injury when &c. and say that the said Hendley McCoy his Action aforesaid to have and maintain against them ought not, because they say that the said Edward in the Condition of the Bond above mentioned hath diligently and faithfully collected all the ballances due Charles Mankin as deputy sheriff in his ride, and hath paid to, and accounted with the said Mankin for all such sums of Money and Tobacco which in his ride as deputy sheriff he hath collected, and by reason thereof he hath indemnified the said Hendley from any damage sustained by the Cash and Tobacco not being paid to the said Mankin in due time according to the tenor of the said McCoys Bond to said Mankin Vizt. at Charles County aforesaid and this they are ready to verify, wherefore they pray Judgment if the said Hendley his Action aforesaid against them to have and maintain ought and so forth.

And the said Hendley McCoy saith that he by any thing by the said Edward Scott Ware and Edward Jenkins above in pleading alledged from having and maintaining his Action aforesaid against them ought not to be precluded because he saith that the said Edward in the Condition of the Bond above mentioned hath not diligently and faithfully collected all the ballances due Charles Mankin, as deputy sheriff in his ride, and hath not paid to and accounted with the said Mankin for all such sums of Money and Tobacco which in his ride as deputy sheriff he hath collected, and by reason thereof he hath not indemnified the said Hendley from any damage sustained by the Cash and Tobacco not being paid to the said Mankin in due time according to the tenor of the said McCoys Bond to said Mankin Vizt. at Charles County aforesaid in such manner and form as the said Edward Scott and Edward above by pleading have alledged, and of this he prays may be enquired of by the Country and the said Edward Scott and Edward in like manner and so forth.

Therefore let a Jury thereon appear before the Judges of our General Court here on the second tuesday of May next, 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.

And now here at this day to wit the said second tuesday of May being the twelfth day of the same month Anno Domini seventeen hundred and eighty nine, come again here into our General Court as well the said Hendley McCoy by his Attorney aforesaid as the said Edward Scott Ware & Edward Jenkins by their Attorney aforesaid.

Nevertheless the said Edward Scott Ware and Edward Jenkins by their Attorney aforesaid relinquishing the averment above by them pretended say that they cannot deny the Action aforesaid of the said Hendley McCoy so as aforesaid against them brought, nor but that they owe to the said Hendley McCoy the said Quantity of two hundred thousand pounds of Crop Tobacco in manner and form aforesaid so as the said Hendley McCoy above against them hath declared.

Therefore it is considered by the Judges here that the said Hendley McCoy recover against the said Edward Scott Ware and Edward Jenkins as well the Quantity of two hundred thousand pounds of Crop Tobacco his debt aforesaid in form aforesaid confessed as the Quantity of nine hundred and seventeen pounds and four fifths of a pound of Tobacco by the Court here unto the said Hendley McCoy on his agreement adjudged as well for his damages sustained by reason of the detention of

that