And the Plaintiff agrees to stay Execution until the first day of August next.

Test. John Irwin Clk.

Daniel Dulany against John D. Carey.

Be it remembered, that heretofore to wit on the thirteenth day of March Anno Domini one thousand seven hundred and eighty eight, Daniel Dulany by William Cooke his attorney sued out of our General Court here the State of Maryland a writ of Capias ad respondendum directed to the sheriff of Frederick county in the words and figures following to wit

The State of Maryland Set. To the sheriff of Frederick county, Greeting. We command you that you take John Dow Carey late of of Frederick county farmer, otherwise called John Dow Carey of Frederick county, 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 Daniel Dulany of a plea that he render unto the said Daniel Dulany the sum of two hundred and six pounds eighteen shillings sterling money of the value of three hundred and forty four pounds sixteen shillings and eight pence current money, which from the said Daniel he unjustly detains 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 Domini 1787.

(W. Cooke,)

Issued the 13th day of March 1788. Thos. B. Hodgkin Clk.

And the said Daniel Dulany by his attorney aforesaid declares against the said John Dow Carey in the plea aforesaid as follows to wit.

Western Shore State of Maryland and Frederick county to wit, John Dow Carey late of Frederick county farmer otherwise called John Dow Carey of Frederick county was summoned to answer unto Daniel Dulany of a plea, that he render unto the said Daniel the sum of two hundred and six pounds eighteen shillings sterling money of the value of three hundred and forty four pounds sixteen shillings and eight pence current money, which from the said Daniel he unjustly detains and so forth. And whereupon the said Daniel by William Cooke his attorney saith, that whereas the said John on the fifth day of August in the year of our Lord one thousand seven hundred and eighty five, at Frederick county aforesaid by his certain writing obligatory acknowledged himself to be held and firmly bound unto the said Daniel in the aforesaid sum of two hundred and six pounds eighteen shillings sterling money to be paid to the said Daniel when afterwards he the said John should be thereunto required, And the said Daniel in fact saith, that the said sum of two hundred and six pounds eighteen shillings sterling money at the time of making the writing obligatory aforesaid was and always since hath been and still is of the value of three hundred and forty four pounds sixteen shillings and eight pence current money to wit at Frederick county aforesaid, Nevertheless the said John although often thereunto required the aforesaid sum of sterling money or the value thereof as aforesaid to him the said Daniel hath not rendered or paid, but the said sum of sterling money or the value thereof as aforesaid to him the said Daniel to render or pay he the said John hath hitherto altogether refused and still doth refuse

wherefore

wherefore the said Daniel saith he is the worse and hath damage to the value of five hundred pounds current money, and therefore he brings suit and so forth, and brings here into Court the writing obligatory aforesaid sealed with the seal of the said John, which the debt aforesaid in form aforesaid witnesseth the date whereof is the day & year aforesaid and so forth.

W. Cooke p. Plff. Pledges to wit. John Doe and Richard Roe.

Oyer of the writing obligatory in the Declaration aforesaid mentioned, and the Condition thereof follows. —

Know all Men by these presents, that we Mary Carey, widow, and John Dow Carey of Frederick county are held and firmly bound unto Daniel Dulany Barrister at law in the full and just sum of two hundred and six pounds eighteen shillings sterling to be paid to the said Daniel Dulany his heirs executors administrators and assigns to the which payment well and truly to be made and done we bind ourselves our and each of our heirs executors and administrators in, and for the whole jointly and severally firmly by these presents sealed with our seals and dated this fifth day of August 1785. — The Condition of the above obligation is such that if the above bounden Mary Carey do and shall well and truly pay or cause to be paid to the said Daniel Dulany his heirs executors administrators and assigns the just and full sum of one hundred and three pounds nine shillings sterling with legal interest for the same then the above obligation to be void else to remain in full force and virtue in law.

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

At which said second tuesday of May to wit, the thirteenth day of the same month Anno Domini one thousand seven hundred and eighty eight, the day of the return of the aforegoing writ comes here into our General Court the said Daniel Dulany by his attorney aforesaid, and the sheriff of Frederick 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 of. Nar & oyer left 5th April 1788. Thos. Beatty sheriff

And the said John Dow Carey being called upon, appears, and at the prayer of the said Daniel Dulany by his attorney aforesaid, the said John Dow Carey is adjudged to give special bail to the action aforesaid, whereupon the said John Dow Carey by Richard Potts his attorney files in Court here the following bail piece to wit

Daniel Dulany Plaintiff against **John D. Carey** Defendant

You William Carey and Robert Carey do jointly and severally acknowledge yourselves special bail for the said John D. Carey at the suit of the said Daniel Dulany in an action of debt brought by the said Daniel Dulany against the said John D. Carey in the General Court, they acknowledge themselves to be content therewith this 27th day of May 1788. Jacob Young, George Scott.

The Honorable the Judges of the General Court,

Richard Potts Esquire attorney for the Defendant.

And the said John Dow Carey by his attorney aforesaid, defends the force and injury when and so forth, and prays leave of the Court to imparle hereunto until next Court, and he hath it, and the same day is given to the said John Dow Carey also

At which said Court to wit, the second tuesday of October being the fourteenth day

of