and saith, that the said Benjamin Lowndes his action aforesaid thereof against him to have and maintain ought not, because he saith, that he the said Abraham Faw did pay unto the said Benjamin Lowndes the said sum of money in the condition of the writing obligatory aforesaid mentioned, with legal interest thereon according to the form and effect of the said condition of the writing obligatory, and this he is ready to verify, wherefore he prays Judgment if the said Benjamin Lowndes his action aforesaid against him to have and maintain, ought &c:

And the said Benjamin Lowndes saith, that he, by any thing by the said Abraham Faw above in pleading alleged from having and maintaining his action aforesaid against him ought not to be precluded, because he saith, that the said Abraham Faw hath not paid unto him the said Benjamin Lowndes the said sum of money in the condition of the writing obligatory aforesaid mentioned, with the interest thereon in such manner, and form, as the said Abraham Faw above in pleading alleged; And this he prays may be enquired of by the Country, and the said Abraham Faw in like manner &c: Therefore let a jury thereon come, before the Judges of the Court here, on the second tuesday in May next, by whom &c, and who neither &c: to recognize &c: because as well &c: the same day is given to the parties aforesaid then and there &c:

And now here, on this day court, the said second tuesday in May being the twelfth day of the same month in the year of our Lord one thousand seven hundred and eighty nine, comes again into our General Court here, as well the said Benjamin Lowndes by his attorney aforesaid, as the said Abraham Faw by his attorney aforesaid: And the said Abraham Faw by his attorney aforesaid, relinquishing the averment aforesaid above by him in pleading alleged, and saith, that he cannot deny the action aforesaid of the said Benjamin Lowndes so as aforesaid against him brought, nor but, that he owes to the said Benjamin Lowndes the sum of five hundred pounds currentmoney aforesaid, in such manner and form, as the said Benjamin Lowndes above against him declared: Therefore it is considered by the Judges of the Court here, that the said Benjamin Lowndes recover against the said Abraham Faw as well the sum of five hundred pounds currentmoney his debt aforesaid, in form aforesaid confessed, as also the quantity of seven hundred and forty and one fifth pounds of tobacco by the Judges of the Court here, unto him the said Benjamin Lowndes on his adjudged as well for his damages sustained by reason the detention of that debt, as for his costs and charges by him, about his suit in this behalf laid out and expended, And that the said Abraham Faw be in mercy &c:

Memorandum, Judgment was rendered in this cause on the fifteenth day of May in the year of our Lord one thousand seven hundred and eighty nine, for penalty and costs, to be released on the payment of the principal, interest and costs, payments if any to be allowed; And the Plaintiff

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

Test

John Gwinn Clk.

Benjamin Lowndes
against
George Schnetzell.

Debt,

Judgment, Mutatis Mutandis as against Abraham Faw, folio 397.

Test

John Gwinn Clk.

Benjamin Lowndes
against
Nicholas White and William Cooke.

Be it remembered that heretofore to wit on the twenty second day of August, in the year of our Lord one thousand seven hundred and eighty seven Benjamin Lowndes by Jeremiah Townley Chase his attorney sued out of our General Court, the State of Maryland's 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 Nicholas White and William Cook late of Frederick county planters otherwise called Nicholas White and William Cooke of Frederick county if they shall be found in your Bailiwick, and them safe keep, so that you have their bodies before the Judges of our General Court, to be held at the city of Annapolis on the second tuesday of October next, to answer unto Benjamin Lowndes in a plea, that they render unto him the sum of two hundred and sixty six pounds thirteen shillings and four pence currentmoney of Maryland, which to him they owe and justly detain and &c 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 twenty fifth day of May anno domini 1787.

Issued the 22d day of August 1787. (J. T. Chase). Thos. B. Hodgkin Clk.

And the said Benjamin Lowndes by his attorney aforesaid, declares against the said Nicholas White and William Cooke, in the plea aforesaid as follows to wit

Frederick county Set. Nicholas White and William Cooke late of Frederick county planters, otherwise called Nicholas White and William Cooke of Frederick county were summoned to answer unto Benjamin Lowndes in a plea that they render unto him the sum of two hundred and sixty six pounds thirteen shillings and four pence current money of Maryland, which to him they owe and unjustly detain and &c forth. And whereupon the said Benjamin by Jeremiah Townley Chase his attorney saith that whereas the aforesaid Nicholas and William on the third day of December in the year seventeen hundred and eighty five at Frederick county aforesaid, by their certain writing obligatory acknowledged themselves to be held and firmly bound unto him the said Benjamin in the aforesaid sum of two hundred and sixty six pounds thirteen shillings and four pence to be paid unto him the said Benjamin when afterwards they the said Nicholas and William should be thereunto required

nevertheless