precluded ought not because he saith that the aforesaid Elisha Tyson hath not performed and kept to him the Covenants and agreement aforesaid in the Writing of Indenture aforesaid specified as he ought to have done and of this he prays may be enquired of by the Country and the said Elisha Tyson in like manner and so forth.

Whereupon this cause standing ready for Tryal 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 October next twelve &c by whom &c and who neither &c to recognize and so forth, because as well &c the same day is given to the said parties then and there &c.

At which said second Tuesday of October being the thirteenth day of the same Month Anno Domini seventeen hundred and eighty nine comes again the said John Eager Howard by his Attornies aforesaid As the said Elisha Tyson by his Attornies aforesaid.

Nevertheless the aforesaid Elisha Tyson by David McMechen his Attorney relinquishing the averment aforesaid so as aforesaid above by him pretended says that he cannot deny the Action aforesaid of the aforesaid John Eager Howard so as aforesaid against him brought nor but that the said John Eager Howard hath sustained damages to the sum of two hundred pounds Current Money by Occasion of the non performing and keeping of the Covenants and Agreement aforesaid in manner and form as the aforesaid John Eager Howard above against him hath declared. Therefore it is considered by the Judges here that the said John Eager Howard recover against the said Elisha Tyson as well the sum of Two hundred pounds Current Money his damages aforesaid in form aforesaid confessed As Also the sum of eight hundred and sixty two pounds of Tobacco by the Court here unto him on his assent adjudged for his costs and charges by him about his suit in this behalf laid out and expended And the said Defendant in Mercy &c.

Memorandum The plaintiff releases the above Judgment on payment of the sum of Forty eight pounds Current Money with Interest thereon from the first day of September seventeen hundred and eighty eight and costs of suit and agrees to stay Execution to the first day of January next. Test. John Gwinn Clk

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William Bingham and
Robert Gilmor
against
William Graham

Be it Remembered that heretofore to wit on the second Tuesday of September Anno Domini seventeen hundred and eighty eight

the,

the plaintiffs by Robert Smith their Attorney sued out of our General Court here the State of Marylands Writ of Capias ad respondendum directed to the Sheriff of Baltimore County in the Words and figures following to wit.

The State of Maryland &c. To the Sheriff of Baltimore County Greeting We Command you that you take William Graham late of Baltimore County Merchant otherwise called William Graham of Baltimore County and State aforesaid 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 October next to answer unto William Bingham and Robert Gilmor of a plea that he render unto them the sum of four hundred and eighteen pounds thirteen shillings and six pence Current Money of Maryland which he owes to and unjustly detains from them 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 12th day of June Anno Domini 1788.

John Gwinn Clk

Issued the 2d day of Sept. 1788. (Robt Smith)

And the aforesaid William Bingham and Robert Gilmor by their Attorney aforesaid declared against the said William Graham in the plea aforesaid as follows to wit

Western Shore of Maryland Baltimore County to wit William Graham late of Baltimore County Merchant otherwise called William Graham of Baltimore County and State aforesaid was summoned to answer unto William Bingham and Robert Gilmor of a plea that he render unto them the sum of Four hundred and eighteen pounds thirteen shillings and six pence Current Money of Maryland which he owes to and unjustly detains from them and so forth And Whereupon the same William Bingham and Robert Gilmor by Robert Smith their Attorney complains that the aforesaid William Graham on the second day of April in the year seventeen hundred and eighty seven at the County aforesaid by his Writing Obligatory which the aforesaid William Bingham and Robert Gilmor with the Seal of the said William Graham sealed here into Court do bring the date whereof is on the same day and Year aforesaid acknowledged himself to be held and firmly bound unto the said William Bingham and Robert Gilmor in the aforesaid sum of Four hundred and eighteen pounds thirteen shillings and six pence Current Money to be paid to the said William Bingham and Robert Gilmor when thereto afterwards he should be required Nevertheless the said William Graham (although often required) the aforesaid sum of Money or any part thereof to the said William Bingham and Robert

Gilmor,