pleaded and the matter in the same contained are not good and sufficient in Law to preclude the said James French from maintaining his action aforesaid thereof against the said Lawrence Oneale had. It is therefore considered that the said James French ought to recover his damages against the said Lawrence Oneale but because the Court here doth not know what damages the said James French hath sustained by reason of the premises aforesaid: Therefore the Sheriff of Montgomery is commanded that by the oath of twelve good and lawful men of his bailiwick he diligently enquire what damages the said James French hath sustained as well by reason of the premises aforesaid as for his costs and charges by him put unto about his Suit in this behalf, and the Inquisition which he shall thereupon take he send to the Judges of our General Court to be held at the City of Annapolis on the second tuesday of October next under his hand and seal and the seals of those by whose Oath he shall take that Inquisition and that he shall then and there have the writ of our said Court to him upon this account directed, the same day is given to the said James French there and so forth. Thereupon the said Lawrence Oneale by his attorney aforesaid prays an appeal from the Judgment aforesaid so as aforesaid rendered to the States High Court of Appeals and it is granted him therefore it is ordered that the record and proceedings in the premises aforesaid be transmitted to the High Court of Appeals accordingly;

Test John Gwinn, Clerk.

John Gibhart vs George Schnertzel

Be it remembered that heretofore, to wit, on the twentieth day of December in the year of our Lord One thousand seven hundred and eighty eight the said John Gibhart by Richard Potts his attorney prosecuted and sued forth out of the General Court here the writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Frederick County in the words and figures following, to wit; The State of Maryland, &c. To the Sheriff of Frederick County, Greeting. We command you that you take George Schnertzel late of Frederick County Merchant otherwise called George Schnertzel of Frederick County and State of Maryland 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 John Gibhart of a plea that he the said George render unto him the said John the sum of three hundred and twenty pounds ten shillings & four pence Current Money which to him he owes and 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 18th day of November Anno Domini 1788. Issued the 20th day of December 1788. (R Potts) Jno Gwinn Clk.

And the said John Gibhard by his attorney aforesaid on the day of prosecuting and suing forth the said writ, declared in the said Court against the said George Schnertzel in the plea aforesaid, as follows, to wit; Western Shore State of Maryland Frederick County, to wit, George Schnertzel late of Frederick County merchant otherwise called George Schnertzel of Frederick County and State of Maryland was summoned to answer unto John Gebhart Joiner of a plea that he the said George render unto him the,

the said John the sum of three hundred & twenty pounds ten shillings & four pence Current Money which to him he owes and unjustly detains and so forth. And whereupon the said John Gebhart by Richard Potts his attorney saith that whereas the said George Schnertzel on the twelfth day of July one thousand seven hundred and eighty eight at Frederick County aforesaid by his certain writing Obligatory acknowledged himself to be held and firmly bound unto the aforesaid John Gebhart in the said sum of three hundred & twenty pounds ten shillings & four pence current money to be paid unto the said John Gebhart when afterwards he should be thereunto required: Nevertheless the aforesaid George Schnertzel altho' often times required the said three hundred and twenty pounds ten shillings & four pence current money or any part thereof hath not rendered or paid but the same to render or pay to the said John Gebhart he the said George Schnertzel hitherto hath refused and still do refuse wherefore the said John Gebhart saith he is the worse and hath damage to the value of three hundred pounds current money and therefore he brings his Suit and so forth and the said John Gebhart bringeth here into Court the writing Obligatory aforesaid which Witnesseth the date aforesaid in form aforesaid the date whereof is the same day and year above written and so forth.

Richd Potts for the Plff pledges and so forth J Doe & R Roe.

And the aforesaid George by his attorney comes and defends the force and injury when and so forth and prays an hearing of the writing obligatory aforesaid and the Condition thereof and he hath them in the words and figures following, to wit;

Know all men by these presents that I George Schnertzel Merchant of Frederick County & State of Maryland am held & firmly bound unto John Gibhart Joiner of same County & State afsd in the just and full sum of Three hundred & twenty pounds ten shillings & four pence current money of the State afsd to be paid to the said John Gebhart or his certain attorney Executors administrators or assigns to which payment well and truly to be made & done I bind myself my heirs Exectrs & Admrs firmly by these presents Sealed with my seal & dated this twelfth day of July 1788. The Condition of the above obligation is such that if the above bound George Schnertzel his Exectrs Admrs or any of them shall & do well & truly pay or cause to be paid unto the above named John Gebhart his certain attorney Exrs Admrs or assigns the just and full sum of One hundred & sixty pounds five shillings & two pence like money as above said at or upon the 11th day of September next with Leagle Interest from the date hereof, without fraud or delay then the above Obligation to be void & of none effect or else to be & remain in full force & virtue in Law

Sealed & Delivered in the presence of Jacob Miller, Henry Grenhart. Geo: Schnertzel (Seal)

Copies of which said declaration and Oyer were made and sent to the Sheriff of the County aforesaid with the said writ thereon endorsed, to be served on the defendant with the wife or left at his place of abode twenty days at least before the return of the said writ for plea or Judgment the first Court. At which mentioned second Tuesday of May being the twelfth day of the said month in the year of our Lord One thousand seven hundred and eighty nine and the day of the return of the aforegoing writ comes into the General Court here the said John Gibhart by his attorney aforesaid; And the Sheriff of Frederick County aforesaid, to wit, Peter Mantz Gentleman to whom the said aforegoing writ was in form aforesaid directed makes return thereof to the Court here thus endorsed, to wit;

Copy & declaration deliv'd Dep. 30th Decr 1788. P Mantz Shff. Frdk Coty.