themselves content therewith this 11th day of May seventeen hundred and eighty nine.

Acknowledged before Geo Gould Ths Presbury
Ja. Calhoun

I Benjamin Griffith empower authorize and appoint David McMechen Esquire to appear for me in the above action. Given under my hand and seal this 11th day of May seventeen hundred and Eighty nine.

Witness Benja. Griffith

To the Honourable the Judges of the General Court

And the said Benjamin Griffith by David McMechen his said attorney comes and defends the force and injury when and soforth and prays leave to imparle hereunto untill next Court and he hath it and the same day is given to the Plaintiff also.

At which said next Court to wit the thirteenth day of October Anno Domini seventeen hundred and Eighty nine comes again as well the said Joseph Donaldson by his attorney aforesaid as the said Benjamin Griffith by his attorney aforesaid.

And the said Benjamin Griffith by his attorney aforesaid as before defends the force and injury when and soforth and craves oyer of the writing obligatory aforesaid and the Condition thereof and it is read to him which being read and heard the said Benjamin Griffith says that he the said Joseph Donaldson has action thereupon against him ought not to have or maintain because he saith that on the twenty fifth day of June in the said Condition mentioned he paid to the said Joseph Donaldson the sum of three hundred and six pounds thirteen shillings and eleven pence specified in the said Condition which according to the form and effect thereof he ought to have paid on that day and this he is ready to verify wherefore he prays judgment if the said Joseph Donaldson his action thereupon against him ought to have or maintain and soforth.

And the said Joseph Donaldson saith that he by anything by the said Benjamin Griffith above in pleading alledged from having or maintaining his action aforesaid against him ought



ought not to be precluded because he says that the said Benjamin Griffith on the twenty fifth day of June in the said Condition mentioned did not pay unto him the said Joseph Donadson the sum of three hundred and six pounds thirteen shillings and eleven pence specified in the said Condition which according to the form and Effect thereof he ought to have paid on that day in such manner and form as the said Benjamin Griffith above in his said plea hath alledged and of this he prays may be enquired of by the Country and the said Benjamin Griffith in like manner and soforth &c.

Whereupon this cause standing ready for trial 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 May next twelve &c. by whom &c. and who neither &c to recognize &c. because as well &c the same day is given to the parties then and there &c.

At which said second Tuesday of May being the Eleventh day of the same month anno domini seventeen hundred and ninety comes again as well the said Joseph Donaldson by his attorney aforesaid as the said Sheriff hath not sent his writ.

Nevertheless the aforesaid Benjamin Griffith by his attorney aforesaid relinquishing the averment above by him pretended says that he cannot deny the action aforesaid of the aforesaid Joseph Donaldson so as aforesaid against him brought nor but that he owes to the said Joseph Donaldson the aforesaid sum of six hundred and thirteen pounds seven shillings and ten pence current money in manner and form aforesaid as the said Joseph Donadson above against him hath declared.

Therefore it is considered by the Judges here that the said Joseph Donaldson recover against the said Benjamin Griffith as well the sum of six hundred and thirteen pounds seven shillings and ten pence Current money his debt aforesaid in form aforesaid confessed as also the sum of six hundred and seventy six pounds of tobacco by the Court here unto the said Joseph Donaldson on his absent adjudged as well for his damages sustained by occasion of the detention of that debt as for his costs and charges by him about his suit in this behalf laid out and expended and the said

Defendant