Davis & Mitchell against Henry Ayton

Be it remembered that heretofore to wit on the twenty second day of March anno Domini seventeen hundred and ninety the Plaintiffs by Baker Johnson their attorney sued out of our General Court here the State of Marylands writ of capias ad respondendum directed to the Sheriff of Washington county in the words and figures following to wit

The State of Maryland Sc. To the Sheriff of Washington county Greeting. We command you that you take Henry Ayton late of Washington county planter otherwise called Henry Ayton of Washington and State of Maryland Gentleman 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 Rezin Davis and David Mitchell of a plea that he render unto them the sum of two hundred and twenty five pounds eleven shillings current money which to them he oweth 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 17th day of November Anno Domini 1789

Issued the 12th day of March 1790. B. Johnson Jno. Gwinn cl

And the aforesaid Rezin Davis and David Mitchell by Baker Johnson their attorney declared against the aforesaid Henry Ayton in the plea aforesaid as follows to wit, Maryland, Washington county to wit. Henry Ayton late of Washington county planter otherwise called Henry Ayton of Washington and State of Maryland Gentleman was summoned to answer unto Rezin Davis and David Mitchell of a plea that he render unto them the sum of two hundred and twenty five pounds eleven shillings current money which to them he owes and unjustly detains and so forth. And whereupon the said Rezin and David by Baker Johnson their attorney saith that whereas the aforesaid Henry on the thirteenth day of January in the year seventeen hundred and ninety at Washington county aforesaid by his certain writing obligatory acknowledged himself to be held and firmly bound unto them the said Rezin and David in the aforesaid sum of two hundred and twenty five pounds eleven shillings current money to be paid to them the said Rezin and David when afterwards he

should be thereunto required. Nevertheless the aforesaid Henry although often thereunto required the aforesaid sum of two hundred and twenty five pounds eleven shillings current money to them the said Rezin and David hath not rendered or paid, but the same to them hitherto to render or pay he hath altogether refused and still doth refuse, wherefore they say they are the worse and hath damage to the value of four hundred and fifty pounds money aforesaid and therefore they bring suit and so forth. and bring here into court the writing obligatory aforesaid sealed with the seal of the aforesaid Henry which the debt aforesaid in form aforesaid witnesseth the date whereof is the day and year aforesaid and so forth

Baker Johnson for the Plaintiffs

pledges John Doe and Richard Roe and so forth

And the aforesaid Henry by his attorney comes and defends the force and injury when and so forth, and prayeth an hearing of the writing obligatory aforesaid and the condition thereof and he hath them as follows to wit

Know all men by these presents that I Henry Ayton of Washington County and State of Maryland Gentleman am held and firmly bound unto Rezin Davis and Company of Elizabeth Town County and State aforesaid Merchants in the sum of two hundred and twenty five pounds eleven shillings current money, to be paid to the said Rezin Davis and Company their certain attorney executors administrators or assigns. To which payment well and truly to be made and done I bind myself my heirs executors and administrators firmly by these presents sealed with my seal and dated the thirteenth day of January in the year of our Lord one thousand seven hundred and ninety.

The condition of the above obligation is such that if the above bound Henry Ayton his heirs executors administrators or any of them shall and do well and truly pay or cause to be paid unto the above named Rezin Davis and Company their certain attorney executors administrators or assigns the just and full sum of one hundred and twelve pounds fifteen shillings and six pence current money of the State of Maryland with legal Interest for the same without fraud or delay then the above obligation to be void and of none effect, or else to be and remain in full force and virtue in Law

Sealed and delivered in the presence of John Mitchell } Henry Ayton (Seal)

A copy of which aforegoing Declaration and Oyer was made and sent with the writ which issued in the plea aforesaid