obtained by the said John Smith against him the said Athanasius Ford, Nicholas Mills and Robert Fenwick of John in the General Court for the Western Shore of this State of Maryland for as well the sum of five thousand four hundred pounds current money of Maryland as also the sum of seven ---- hundred and ninety one pounds of tobacco. Now the Condition of the above obligation is such that if the above bound Athanasius Ford do and shall pursue the directions of the Act of Assembly entitled An Act for regulating writs of Error and granting appeals from and to the Courts of common Law within this State at the next High Court of Appeals to be held at the City of Annapolis on the first tuesday in May next and prosecute the same writ with effect and also satisfy and pay unto the above said John Smith his certain attorney heirs executors or administrators in case the said Judgment shall be affirmed, as well all and singular the debts damages and costs adjudged by the General Court before whom the action was first brought and from whose Judgment the Appeal is made and thereon a writ of Error is brought as aforesaid and also all costs and damages as shall be awarded by the High Court of Appeals then the above obligation to be void otherwise of full force and virtue in Law.

which being read and heard the said John Manning says that the said John Smith his action aforesaid against him to have or maintain ought not &c because he saith that he the said John Manning did pay unto the said John Smith the said sum of current money in the condition of the said writing obligatory mentioned with legal interest thereon according to the form and effect of the condition of the said writing obligatory; and this he is ready to verify; wherefore he prays Judgment if the said John Smith his action aforesaid against him to have or maintain ought &c. And the said John Smith by his attorney ---- apresaid saith that he by any thing by the said John Manning above in pleading alledged from having and maintaining his action apresaid against him ought not to be precluded because he saith that the said John Manning did not pay unto him the said John Smith the aforesaid sum of money in the condition aforesaid mentioned with the Interest thereon in manner and form as the said John Manning above by pleading hath alledged, and of this he prays may be enquired of by the Country and the said John Manning in like manner and so forth. Therefore let a Jury thereon appear before the Court here on the second Tuesday of May next by whom and so forth and who neither and so forth to recognize and so forth: because as well and so forth: the same day is given to the said parties then and there and so forth.

And now at this day to wit the said second Tuesday of May

being the tenth day of the same month in the year of our Lord one thousand seven hundred and ninety one comes again into the General Court here as well the said John Smith by his attorney aforesaid as the said John Manning by his attorney aforesaid: and the said John Manning by his attorney aforesaid relinquishing the averment aforesaid above by him pretended says that he cannot deny the action aforesaid of the said John Smith so as aforesaid against him brought nor but that he owes to the said John Smith the said sum of four thousand eight hundred pounds current money and fifteen hundred and eighty two pounds of tobacco in manner and form aforesaid as the said John Smith above against him hath declared. Therefore it is considered by the Court here that the said John Smith recover against the said John Manning as well the sum of four thousand eight hundred pounds current money and the quantity of fifteen hundred and eighty two pounds of tobacco his debt aforesaid in form aforesaid confessed as also the quantity of six hundred and forty three pounds of tobacco by the Court here unto him the said John Smith on his assent adjudged for his damages which he hath sustained as well by reason of the detention of the said debt as for his costs and charges by him about his suit in this behalf laid out and expended, and the said John Manning in mercy &c.

Memorandum. Judgment rendered in this cause on the eighteenth day of May in the year of our Lord one thousand seven hundred and ninety one for the sum of four thousand eight hundred pounds current money, and the quantity of fifteen hundred and eighty two pounds of tobacco the penalty of the bond and costs of suit, and the plaintiff agrees to release the penalty on the payment of the sum of three hundred pounds current money with Interest from the seventh day of July seventeen hundred and seventy seven, and the quantity of sixteen hundred pounds of tobacco at twelve shillings and six pence per centum and costs

Test John Gwinn cl.

John Smith use of John Spear against Henry Medley

Be it remembered that heretofore to wit on the twenty fifth day of February in the year of our Lord one thousand seven hundred and ninety the said John Smith by Robert Smith 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 Saint Marys County in the words following to wit. The State of Maryland &c. To the Sheriff of Saint Marys county Greeting. We command you that you take Henry Medley late of Saint Marys county Gentleman otherwise called Henry Medley of Saint Marys County if he shall be found in your bailiwick and him

safe