and injury when and so forth and begs leave to imparle hereunto until next Court and he hath it and the same day is given to the plaintiff also, and the parties aforesaid by their attornies aforesaid imparled from Court to Court until this Court.

And now here at this Court to wit the second Tuesday of March one thousand seven hundred and eighty nine comes again as well the said Joseph Ward by his attorney aforesaid as the said Henry Oneall by his attorney aforesaid, And the said Henry Oneall by his attorney aforesaid (as before) defends the force and injury when and so forth and saith he doth not hold nor the day of impetrating the writ original of him the said Joseph Ward to wit the first day of August one thousand seven hundred and eighty six hold the lands aforesaid with the appurtenances aforesaid or any part or parcel thereof together and undivided with the said Joseph Ward in manner and form as the same Joseph by the writ and declaration aforesaid above supposes and this he is ready to verify, whereupon he prays Judgment if partition between the same Henry Oneall and the same Joseph Ward of the lands aforesaid with the appurtenances ought to be made and so forth, Richd. Potts for Defendant

And the said Joseph Ward by his attorney aforesaid saith that by any thing before alledged from partition of the lands aforesaid with the appurtenances to be made ought not to be barred because he saith that the same Henry Oneall doth hold and the day of the impetration of the writ original of the said Joseph Ward to wit the first day of August one thousand seven hundred and eighty six held the lands aforesaid with the appurtenances together and undivided with the same Joseph Ward as the same Joseph Ward by his writ and declaration aforesaid above doth suppose and this he prays may be inquired of by the Country, and the same Henry Oneall in like manner and so forth, whereupon for trying the issue aforesaid command is given to the Sheriff of Montgomery County that he immediately cause to come there twelve good and lawful men of his bailiwick by whom and so forth and to recognize and so forth because as well and so forth of which said precept the Sheriff to wit Benjamin Ward Jones Gentleman make return that he hath here ready twelve and so forth as by the same precept he was commanded to wit Samuel Riggs, Howard Griffith, Isaac Allnutt, Greenbury Gaither, Cephas Beall, Richard Gittrell Zephaniah Beall, Jeremiah Orme, Joshua Crow, William Culver, James Wallace and Edward Harding who being duly sworn, tryed and sworn to say the truth in the premises upon their oath do say that the said

Henry Oneall doth hold and at the day of the impetration of the writ original of him the said Joseph Ward to wit the first day of August one thousand seven hundred and eighty six held together and undivided with the aforesaid Joseph Ward the aforesaid tracts or parcels of land with the appurtenances in manner and form as the said Joseph Ward by his writ and declaration aforesaid hath declared, Therefore it is considered by the Justices here that partition of the aforesaid tracts or parcels of land with the appurtenances as aforesaid be made between the aforesaid Joseph Ward and Henry Oneall agreeable to the writ and declaration of the aforesaid Joseph Ward and the form of the Statute in that case made and provided, And that the said Joseph Ward recover against the said Henry Oneall the quantity of one thousand three hundred and twenty four pounds of tobacco for his costs and charges by him about his suit in this part laid out and expended, and the said Defendant in mercy and so forth

And the said Henry Oneall by his attorney aforesaid present here in Court prays an Appeal from the verdict and Judgment aforesaid to the General Court which was by the Court here granted on giving bond and security agreeable to the directions of the Act of Assembly in that case made and provided, whereupon the said Henry Oneall by his attorney aforesaid files in Court here a bond in the words and figures following to wit

Know all men by these presents that we Henry Oneall, William Lodge and Alexander Adams of Montgomery County are held and firmly bound unto Joseph Ward of same County in the full and just sum of sixty pounds current money of Maryland to be paid to the said Joseph Ward his certain attorney heirs executors administrators or assigns for the payment of which we bind ourselves and each of us our heirs executors and administrators jointly and severally in and for the whole firmly by these presents sealed with our seals and dated this twenty fourth day of July 1789

Whereas the above named Joseph Ward hath prosecuted a summons in partition against the above bound Henry Oneall in Montgomery County Court to obtain a partition of the tracts of land lying in Montgomery County called Wards Chance, Bealls design and Comfort and hath obtained a Judgment that partition should be made of the same lands and costs of suit from which said Judgment the said Henry Oneall hath prayed an Appeal to the General Court, Now the condition of the above obligation is such that if the before named Henry Oneall shall not prosecute the same Appeal with effect at the next General Court for the Western Shore to be held on the second Tuesday of October next and shall not satisfy and comply with the Judgment of Montgomery County Court aforesaid and in all things stand to abide by and satisfy the Judgment which may be given by the General Court before whom the same Appeal shall be heard

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