and at the prayer of the defendants by their attorneys aforesaid, ordered by the Court that a commission issue to Virginia to Messrs Robert T. Lyles William Lyles and John Fitzgerald Gentlemen to take the depositions of any witness or witnesses relative to this cause, and that the same when taken and returned be read in evidence on the trial thereof, and it is also ordered by the Court by consent of both parties that any depositions taken on giving four days notice to the adverse party be read in evidence on the trial of this cause, and the said parties plaintiff and defendants by their attorneys aforesaid file in Court here the following case to wit.

Thomas Crachells
@
Thomas Hopewell and
Thomas Reeder

State of the case.

Thomas Johnson being possessed of two bonds of 2000 Current money each of the value of £ Fifty five pounds thirteen shillings and four pence assigned the said bonds to Thomas Crachells in due form of law previous to the assignment to wit on the twentieth day of November Seventeen hundred and Eighty five Hopewell and Reeder the defendants allege from the declaration of the said Johnson two hogsheads of Tobacco amounting to eighteen hundred pounds of crop Tobacco, but no receipt appeared on the back of the bond, nor does it appear that Crachells was acquainted with the said payment Question can Hopewell and Reeder be allowed that payment of Tobacco.

J. A. Thomas
Philip B. Key

Provided that if Benjamin Gwinn shall prove the receipt to be antedated it shall be inserted in the State of the case, and Mr. Gwinn or any other person may prove any payment or knowledgements of payments made before the assignment of the proof and such proof to be argued from.

J A Thomas
P. B. Key

But because the Court here was not advised to give their Judgement of and upon the premises aforesaid day was given to the said parties until next Court to hear their Judgment of and upon the premises aforesaid because the Court here was thereof not yet and so forth At which said next Court to wit the Monday before the second Tuesday in September anno Domini one thousand seven hundred and Eighty nine come again the parties aforesaid by their attorney aforesaid and Robert T. Hooe William Lyles, and John Fitzgerald Gentlemen return to the Court here the following commission and deposition to wit, Charles County to wit The State of Maryland to Robert T. Hooe, William Lyles and John Fitzgerald Gentlemen of Fairfax County in the commonwealth of Virginia Greeting. Whereas it is absolutely necessary for the better administration of Justice in an action of debt now depending in Charles County Court between Thomas

(The seal of Charles County Court)

Crachells

Crachells assignee of Thomas Johnson who was assignee of John Parnham, plaintiff and Thomas Reeder, defendants, that the depoments of various persons residing in the County and commonwealth aforesaid, be taken in the said dispute you or any two of you are therefore authorized and empowered to examine upon their corporal oath to be by you administered and empowered all witnesses which shall be nominated to you or any two of you by either of the parties aforesaid or other person concerned touching their knowledge of the premises and the examination of every witness so called before you, that you or any two of you receive and carefully reduce into writing in the presence of all parties concerned that shall be there present, and the examination so taken as aforesaid you or any two of you are to return to the Justices of Charles County Court with all convenient speed under your seals or the seals of any two of you together with this writ witness Walter Hanson Gentleman Chief Justice of our said Court at Charles Town in Charles County aforesaid the twenty fifth day of July anno Domini 1789. Issued the 27th day of July 1789.

Jno. B. Turner Clk

Alexander Fairfax County to wit In compliance with a commission to Robert T. Hooe, William Lyles, and John Fitzgerald or any two of you of them from the worshipful Court of Charles County Maryland, We the subscribers met at the house of John Wise and took the deposition of Benjamin Gwinn, who deposeth and saith, that in his presence Thomas Johnson signed or make his mark to a receipt of Thomas Hopewells and Thomas Reeders bonds given for the purchase of two lots of ground lying in Charles Town, commonly called Port Tobacco given under our hands and seals this fifth day of August 1789.

Wm. Lyles (Seal)
John Fitzgerald (Seal)

And the said defendants filed in Court the following receipt and deposition to wit Received from Mr. Thomas Hopewell Eighteen hundred pounds of crop Tobacco in part payment of the said Thomas Hopewell and Thomas Reeders bonds given me, for the purchase of two lots of ground situate and being in Charles Town, commonly called Port Tobacco, received by me this twentieth day of November 1785.

Thomas his mark Johnson.

Witness
Ben Gwinn

Charles County Sct. 20th June 1789 Then came Benjamin Gwinn the subscribing witness to the above receipt and made oath on the holy Evangels of Almighty God that he saw Thomas Johnson his mark to the within receipt and that he Benjamin Gwinn signed his name as witness to the same

Before Dan Jenifer.

The deposition of Benjamin Gwinn of full age first being sworn on the holy Evangels of Almighty God deposeth and saith that some time in June last past Thomas Johnston and Thomas Hopewell came to his house and that Johnston and Hopewell had some conversation about a receipt that Johnston asked Mr. Gwinn this deponent if his signing a receipt for the two hogshead would be any prejudice to him that this deponent asked Johnson if Mr. Hopewell had paid him Tobacco, that Mr. Johnston said