aforesaid ought not to be precluded because protesting that the said Alexander Trueman hath not performed any thing in the conditions aforesaid above specified on his part to be performed and done for plea Nevertheless the said Thomas by way of replying saith that after the making the writing obligatory aforesaid and before the impetration of the original writ of him the said Thomas in this cause impetrated it was on the Judgment aforesaid on the writ aforesaid in the said writing obligatory mentioned in such manner provided that in the high court of Appeals before the judges of that Court in June Term in the year of our Lord one thousand seven hundred and ninety the judgment aforesaid was in all things affirmed and also eight hundred and thirty seven pounds of Tobacco for costs and damages were adjudged to the said Thomas by the said high Court of Appeals by reason of the delay of his execution on the judgment aforesaid by the pretence of prosecuting the said writ of error. And the said Thomas avers that the said Alexander Trueman did not prosecute the said writ of error with effect and that the said Alexander Truman hath not paid to the said Thomas as well and singular the debt damages and costs adjudged by the General Court aforesaid as also all costs and damages that were awarded by the court of Appeals upon the affirmance of the judgment aforesaid and this he is ready to verify wherefore he prays Judgment and the debt aforesaid together with the damages by the occasion of the detention of that debt to him to be adjudged and soforth.

And the said William Machall Wilkinson by his attorney aforesaid as before defends the force and injury when and soforth and prays leave of the court here to rejoin to the replication of the said Thomas Gantt above set forth untill next Court and he hath it Thereupon further process of and upon the premises aforesaid by consent of parties and their attornies aforesaid and by order of court here thereon is further continued until the second Tuesday of May next following.

And now here at this day to wit the said second tuesday of May being the fourteenth day of the same month anno domini one thousand seven hundred and ninety three comes again here into our general court as well the said Thomas Gantt by his attorney aforesaid as the said William Machall Wilkinson by his attorney aforesaid. Nevertheless the said William Machall Wilkinson by his attorney aforesaid relinquishing the averment above by him prelended saith that he cannot deny the

action

Action aforesaid of the said Thomas Gantt so as aforesaid against him brought nor but that he owes to the said Thomas Gantt the sum of two thousand five hundred and thirty pounds current money as aforesaid in manner and form aforesaid so as aforesaid Thomas Gantt above against him hath declared.

Therefore it is considered by the judges here that the said Thomas Gantt recover against the said William Machall Wilkinson as well the sum of two thousand five hundred and thirty pounds current money his debt aforesaid in form aforesaid confessed as also the quantity of seven hundred and ninety five pounds of tobacco by the Court here unto the said Thomas Gantt on his assent adjudged as well for his damages sustained by reason 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 in mercy &c.

Memorandum, Judgment was rendered in this cause on the eighteenth day of May Anno domini one thousand seven hundred and ninety three for penalty and costs To be released on the payment of four hundred and sixty nine pounds ten shillings current money and one thousand five hundred and two pounds of Tobacco at twelve shillings and six pence p lb with interest on the money from the nineteenth day of January one thousand seven hundred and eighty five and costs and the plaintiff agrees to stay execution until the first day of August next.

Test John Gwinn Clk.

Joseph Swann admr of Meyer Moses
a
John Forbes

Be it remembered that heretofore to wit on the second day of February anno domini seventeen hundred and ninety two the plaintiff by Jebulon Hollingsworth his attorney sued out of our general Court the state of Marylands writ of Capias ad respondendum directed to the sheriff of Charles County in the words and figures following to wit.

The state of Maryland ss. To the sheriff of Charles County Greeting We Command you that you take George Ross and John Forbes both late of Charles County merchants in Maryland in Charles County if they shall be found in your bailiwick and them safe keep so that you have their bodies before the judges of our General court to be held at the City of Annapolis on the second Tuesday of May next to answer Joseph Swann administrator of all and singular the goods and chattels and credits which were of Meyer Moses lately deceased at the time of his death who died intestate of a plea

that