that nothing is due from the Defendants to the Plaintiff then the said Judgment for the Plaintiff, is to be struck out and Judgment is to be entered for the Defendants for their costs and that either party may appeal from the opinion and Judgment of the Court on this State of facts, and have the same benefit of this State of facts in the same manner as could be had if a Jury had been impannelled and sworn in this cause and these facts had appeared in an exception taken at the trial to the opinion of the Court and the Courts direction to the Jury thereon. W. Cooke ye Pltff. — Luther Martin ye Deft.

Whereupon all and singular the premises being seen and by the Court now here more fully understood and mature deliberation being thereupon had the opinion of the Court now is, that, It is considered by the Judges here that the said James Clerke administrator as aforesaid recover against the said Rebecca Ridgely and John Ridgely executors as aforesaid as well the sum of six thousand eight hundred and seventy nine pounds fifteen shillings and three pence one farthing current money of Maryland the debt aforesaid in form aforesaid herein before confessed as also the quantity of fifteen hundred and six pounds of Tobacco by Tobacco by Court here unto the said James Clerke administrator as aforesaid on his absent 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 to be levied of the goods and chattels of the said Charles Ridgely at the time of his death, and which shall hereafter come to the hands of the said Rebecca Ridgely and John Ridgely executors aforesaid to be administered &c. and the said Rebecca Ridgely and John Ridgely executors as aforesaid in mercy and Soforth.

Memorandum, It is also considered by the Court here that the above Judgment be released upon payment of the sum of two thousand sixty and three pounds eighteen shillings and seven pence sterling money with interest thereon from the twenty second day of June one thousand seven hundred and seventy three, to the fourth day of July one thousand seven hundred and seventy six, and from the third day of September one thousand seven hundred and eighty three until paid and costs of suit.

Whereupon the said Rebecca Ridgely and John Ridgely executors as aforesaid by their attorney aforesaid pray an appeal from the Judgment aforesaid so as aforesaid rendered to the State's High Court of Appeals, and the same is granted.

It is therefore ordered that the record and proceedings in the premises aforesaid be transmitted to the said High Court of Appeals accordingly.

Test. John Gwinn Clk.

Allen Quynn and Isaac McHard for the use of Allen Quynn against William Whetcroft

Be it Remembered that heretofore to wit, On the twenty second day of September Anno Domini seventeen hundred and ninety one, the plaintiffs by Henry Ridgely their Attorney sued out of our General Court the State of Maryland's writ of capias ad respondendum directed to the Sheriff of Ann Arundel County in the words and figures following to wit.

The State of Maryland, ss. To the Sheriff of Ann Arundel County, Greeting. We command you that you take William Whetcroft late of Ann Arundel County Gentleman otherwise called William Whetcroft 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 October next to answer unto Allen Quynn and Isaac McHard in a plea that he render unto them the sum of Eight hundred and eighty five pounds current money otherwise called currency which to them he owes and unjustly detains and Soforth. hereof fail not at your Peril, and have you then and there this Writ. Witness the honourable Thomas Johnson Esquire Chief Judge of our said Court the 16th day of June Anno Domini 1791. Issued the 22nd day of September 1791. Henry Ridgely John Gwinn, Clk.

And the said Allen Quynn and Isaac McHard by Henry Ridgely their Attorney aforesaid declared against the aforesaid William Whetcroft in the plea aforesaid as follows to wit.

Western Shore State of Maryland, Baltimore County to wit. William Whetcroft late of Anne Arundel County Gentlemen otherwise called William Whetcroft was summoned to answer unto Allen Quynn and Isaac McHard in a plea that he render unto them the sum of Eight hundred and eighty five pounds current money otherwise called currency which to them he owes and unjustly detains and Soforth. And Whereupon the said Allen and Isaac by Henry Ridgely their Attorney say that whereas the said William on the twenty fourth day of September in the year one thousand seven hundred and seventy eight at Anne Arundel County aforesaid by his certain writing obligatory acknowledged himself to be held and firmly bound unto the said Allen and Isaac in the said sum of Eight hundred and eighty five pounds current money as aforesaid, to be paid to the said Allen and Isaac when afterwards he should be thereunto requested. Nevertheless the said William altho' often thereunto afterwards requested the aforesaid sum of money or any part thereof to the said Allen and Isaac or to either of them, to content and pay hath hitherto altogether refused and still doth refuse wherefore they say they are the worse and have damage to the value of Two thousand pounds current money and therefore they bring suit and soforth, and bring here into Court the writing obligatory aforesaid and the condition thereof which the debt aforesaid in form aforesaid witnesseth whose date is the day and year aforesaid and Soforth.

Henry Ridgely for the Plaintiff. Pledges &c. John Doe and Richard Roe