above pleaded in bar, the said Solomon, Elizabeth and Henry says, that he, by reason of any thing in that plea above alleged ought not to be barred from having or maintaining his action against them the said Simon and Joseph because he says, that the said Simon and Joseph, did within three years next before the impetration of the original writ of him the said Solomon, Elizabeth and Henry in this cause, undertake and promise in manner and form as the said Solomon, Elizabeth and Henry have above thereof complained against them, and this they pray may be inquired of by our Country: and the said Simon and Joseph doth likewise. Therefore let a Jury thereon appear before the Court here on the second Tuesday of May next, by whom and soforth, and who neither, and soforth to recognize and soforth, because as well and soforth the same day is given to the said Parties, then and there, and soforth.

And now at this day, to wit, the said second Tuesday of May being the fourteenth day of the same Month, in the year of our Lord one thousand seven hundred and ninety three comes again into the General Court here, as well the said Solomon, Elizabeth and Henry by their attorney aforesaid as the said Simon, Joseph by their attorney aforesaid: and the said Simon and Joseph by their attorney aforesaid relinquishing the averment aforesaid, above by them pretended says, that they cannot deny the action aforesaid of the said Solomon, Elizabeth and Henry so as aforesaid against them brought nor but that the aforesaid Solomon, Elizabeth and Henry have sustained Damage to the sum of one hundred and five pounds current money, by occasion of the non-performance of the promise and assumption aforesaid in manner and form as the said Solomon, Elizabeth and Henry above against them have declared: Therefore it is considered by the Court here, that the aforesaid Solomon, Elizabeth and Henry, recover against the said Simon Bowman and Joseph Smith as well the sum of one hundred and five Pounds current money, their damages aforesaid, in form aforesaid confessed to be sustained by occasion of the non-performance of the promise and assumption aforesaid as also the quantity of twelve hundred and fifty two pounds of Tobacco by the Court here unto the said Solomon Miller, and Elizabeth his wife and Henry Wirtz on their absent adjudged for their costs and charges by them about their suit in this behalf

laid

laid out and expended: and the said Simon Bowman and Joseph Smith in mercy and soforth.

Memorandum. Judgment rendered in this cause on the fifteenth day of May in the year of our Lord one thousand seven hundred and ninety three for one hundred and five Pounds current money Damages and costs. (To be released on payment of costs

Test. John Gwinn Clk.

Speers, French and Company vs John Barnes of Jas.

Be it remembered, that heretofore, to wit, on the twenty fourth day of February in the year of our Lord one thousand seven hundred and ninety two, the said John Barnes of James the Defendant in this cause, by Baker Johnson his attorney, prosecuted and sued forth out of the General Court here the writ of the State of Maryland of Habeas Corpus cum causa, to the Chief Justice and associate Justices of Washington County Court, and the Sheriff of the said County, directed, in manner and form, and of the tenor following, to wit, The State of Maryland, &c. To the Justices and Sheriff of Washington County, Greeting. Whereas a certain John Barnes of James is detained in the prison of our said County, under the custody of you, our said Sheriff, at the suit of a certain Speers, French and Company of a plea of Debt and soforth; which said plea, as it is said, still depends before you, our said Justices, undetermined: and we being willing for divers causes, that the plea aforesaid, undetermined as aforesaid, should be heard and determined before the Judges of our General Court. Therefore we command you that you have the body of the said John Barnes of James by whatsoever name or names he may be called in the plea aforesaid, together with the cause of his caption, and detention and all things thereunto relating before the Judges of our General Court, to be held at the City of Annapolis the second Tuesday of May next, that the Judges of our said General Court may further proceed therein, as to Justice appertains, and Soforth. Hereof fail not at your Peril, and have you then and there this writ. Witness the honourable Samuel Chase Esquire, Chief Judge of our said Court the 4th day of February Anno Domini 1792. Issued the 24th day of February Anno Domini 1792. (S.J.) Jn. Gwinn Clk

At which said second Tuesday of May, being the eighth day of the said Month in the year of our Lord one thousand seven hundred

and