May Term 1795.

Plaintiffs in this Cause prayed the direction of the Court that the said tenders so made could not operate in Law to pay or extinguish each of the said Debts for which the said tender was made the amount of the sum tendered - but only as a payment or extinguishment of one sum equal to the sum tendered but the Court were of Opinion and directed the Jury that after the said Money was thus tendered and refused in the first Case it operated in Case as a payment or extinguishment to its amount and then might be again tendered as to the next debt in the manner it was done and by being so refused it operated as a payment or discharge to its amount on the second Debt and in like manner on the third Debt, to which opinion of the Court the Plaintiffs by their Counsel objected and prays the benefit of their Exception according to the Statute in such case provided

Samuel Chase (Seal)
Jeremiah Townley Chase (Seal)

And thereupon the said Allen Quynn and Isaac M.Hard by their Attorney aforesaid pray an appeal from the Judgment last aforesaid so as aforesaid rendered to the State of Marylands High Court of appeals and the same is granted unto them. It is therefore Ordered by the said Court that the Record and proceedings aforesaid with all things thereunto relating be transmitted to the said State of Marylands High Court of appeals, and the same are hereby transmitted to the same Court accordingly. Test. Jno. Gwinn Clk.

Frederick Yeiser for the use of Robert Walsh
against
Matthew Beard & John Beard

Be it remembered that heretofore to wit, on the fourteenth day of April Anno Domini seventeen hundred and ninety five the Pltff by David M.Mechen his Attorney sued out of our General Court the Writ of the State of Maryland of Capias ad respondendum directed to the Sheriff of Anne 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 Matthew Beard and John Beard late of Anne Arundel County Gentleman otherwise called Matthew and John Beard if they shall be found in your bailiwick, and them safe

(keep)

May Term 1795.

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 unto Frederick Yeiser of a plea that they render unto him the sum of Two hundred and forty eight pounds seven shillings and five pence half penny Current Money of Maryland which to him they owe, and unjustly detain and so forth, 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 10th day of February Anno Domini 1795.

Issued the 14th day of April 1795. (D. M.Mechen) Jno. Gwinn Clk

And the aforesaid Frederick Yeiser by his Attorney aforesaid declared against the aforesaid Matthew Beard and John Beard in the plea aforesaid, in manner and form following, to wit.

Western Shore, State of Maryland Ann Arundel County, to wit, Matthew Beard and John Beard late of Ann Arundel County Gentlemen otherwise called Matthew and John Beard, were summoned to answer unto Frederick Yeiser of a plea that they render unto him the sum of Two hundred and forty eight pounds seven shillings and five pence half penny Current Money of Maryland which to him they owe, and unjustly detain and so forth, And whereupon the said Frederick Yeiser by David M.Mechen his Attorney saith, that whereas the aforesaid Matthew and John on the fifth day of October in the year of our Lord seventeen hundred and ninety three at the County aforesaid by their certain Bill Obligatory, acknowledged themselves to be bound unto the said Frederick Yeiser in the aforesaid sum of Two hundred and forty eight pounds seven shillings and five pence half penny to be paid to the said Frederick on demand. Nevertheless the said Matthew and John altho often required to wit, on the tenth day of October in the year aforesaid, and often afterwards at the County aforesaid, have not paid the said Sum of Two hundred and forty eight pounds seven shillings and five pence half penny but have hitherto refused and still do refuse to pay the same to him the said Frederick; wherefore the said Frederick saith he is injured and hath Damage to the value of Four hundred pounds Current Money of Maryland and thereupon he brings Suit and so forth. ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

D. M.Mechen for Pltff Pledges &c. John Doe and Richard Roe.

Oyer of the Bill.

We do hereby promise to pay Frederick Yeiser on demand the sum of Two

(hundred)