maintain ought not &c. because he saith that he the said Edward Henry Calvert did pay unto the aforesaid Thomas Phenix the said sum of money in the Condition of the said writing obligatory mentioned with legal interest thereon according to the form and Effect of the Condition of the said writing obligatory, and this he is ready to verify wherefore he prays Judgment if the aforesaid Thomas Phenix his action aforesaid against him to have or maintain ought &c.

And the aforesaid Thomas Phenix saith that he by any thing by the said Edward Henry Calvert above in pleading alledged from having or maintaining his action aforesaid against him ought not to be precluded because he saith that the aforesaid Edward Henry Calvert hath not paid unto him the said Thomas Phenix the aforesaid sum of money in the Condition aforesaid mentioned with the interest thereon in such manner and form as the said Edward Henry Calvert above by pleading hath alledged, And of this he prays may be enquired of by the Country, and the said Edward Henry Calvert in like manner and so forth, Therefore let a Jury thereupon appear before the Judges of our General Court here on the second Tuesday of October next, by whom &c. and who neither &c. to recognize &c. because as well &c. the same day is given to the parties aforesaid there and there &c.

And now here at this day to wit, the said second Tuesday of October being the thirteenth day of the same month Anno Domini seventeen hundred and ninety five comes again here into our General Court as well the aforesaid Thomas Phenix by his Attornies aforesaid as the aforesaid Edward Henry Calvert by his Attorney aforesaid, Nevertheless the aforesaid Edward Henry Calvert by his Attorney aforesaid relinquishing the averment aforesaid above by him pretended says that he cannot deny the action aforesaid of the aforesaid Thomas Phenix so as aforesaid against him brought nor but that he owes to the aforesaid Thomas Phenix the aforesaid sum of Eight hundred and fifty four pounds seven shillings Current money in manner and form aforesaid so as the aforesaid Thomas Phenix above against him hath declared. Therefore it is considered by the judges here that the aforesaid Thomas Phenix recover against the said Edward Henry Calvert as well the sum of eight hundred and fifty four pounds seven shillings Current money his Debt aforesaid in form aforesaid confessed as also the quantity of seven hundred and ninety two pounds of Tobacco

Tobacco by the Court here unto the aforesaid Thomas Phenix on his agent 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 fourteenth day of October Anno Domini seventeen hundred and ninety five, for penalty and Costs of Suit, and the Plaintiff agrees to release the penalty upon the payment of Principal, Interest and Costs, and agrees to stay Execution untill the first day of January next, payments if any to be allowed.

21 Ps. Test John Gwinn Clk.

Trecothick, Thwaites and Wheelwright against Dennis Magruder	Be it remembered that heretofore to wit, on the thirteenth day of August Anno Domini seventeen hundred and ninety four the Plaintiffs by William Cooke their Attorney sued out of our General Court the writ of the State of Maryland of

capias ad respondendum directed to the sheriff of Prince Georges County, in the words and figures following to wit.

The State of Maryland, &c. To the sheriff of Prince Georges County greeting. We command you that you take Dennis Magruder late of Prince Georges County planter, 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 James Trecothick, Francis Thwaites, and Charles Apthorp Wheelwright in a plea of trespass upon the case 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 31st day of May Anno Domini 1794.

Issued the 13th day of August 1794. (W. Cooke) John Gwinn Clk.

And the aforesaid James Trecothick, Francis Thwaites, and Charles Apthorp Wheelwright by their Attorney aforesaid declare against the aforesaid Dennis Magruder in the plea aforesaid, in manner and form following to wit.

Western Shore State of Maryland, Prince Georges County ss. Dennis Magruder late of Prince Georges County planter was attached to answer unto James Trecothick, Francis Thwaites and Charles Apthorp Wheelwright in a plea of Trespass upon the Case and so forth, And whereupon the said