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 August next payments if any to be allowed.

Test John Gwinn Clk.

W.P. P.B. Fr. J.T.M. A.R. W.L.M.

William Wheteroft against John Holmes

Be it remembered that heretofore, to wit, on the second day of April Anno Domini seventeen hundred and ninety four, the Plaintiff by William Pinkney his attorney sued out of our General Court the writ of the State of Maryland of Capias ad respondendum directed to the sheriff of Baltimore County in the words and figures following, to wit.

The State of Maryland, &c. To the sheriff of Baltimore County, greeting We command you that you take John Holmes late of Baltimore County merchant 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 May next to answer unto William Wheteroft of a plea that he render unto him the full and just sum of twenty eighth thousand pounds Current money of Maryland which which to him he owes and unjustly detains &c. 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 12th day of November Anno Domini 1793.

Issued the 2d day of April 1794. (W Pinkney) Jno. Gwinn Clk.

And the aforesaid William Wheteroft by his attorney aforesaid Declared against the aforesaid John Holmes in the plea aforesaid in manner and form following, to wit.

Western Shore of Maryland, Baltimore County, to wit John Holmes late of Baltimore County merchant was summoned to answer unto William Wheteroft of a plea that he render unto him the full and just sum of twenty eight thousand pounds Current money of Maryland which to him he owes and unjustly detains and soforth.

And whereupon the said William Wheteroft by William Pinkney his attorney saith that whereas the aforesaid John Holmes on the eighteenth day of January, one thousand seven hundred and ninety two at the county aforesaid by his certain writing obligatory, acknowledged himself to be held and firmly bound unto him the aforesaid William Wheteroft in the aforesaid sum of twenty eight thousand pounds Current money of Maryland to be paid to him the said William Wheteroft when afterwards he should

should be thereunto required.

Nevertheless the aforesaid John Holmes (although often thereunto required) the aforesaid sum of Current money to him the said William Wheteroft hath not rendered or paid but the same sum of Current money or any part thereof to him hitherto to render or pay he hath altogether refused and still doth refuse wherefore the said William Wheteroft saith he is the worse and hath damage to the value of twenty eight thousand pounds Current money of Maryland and therefore he brings suit and soforth; and brings here into Court the writing obligatory aforesaid. Sealed with the seal of the aforesaid John Holmes which the debt aforesaid in form aforesaid witnesseth the date whereof is the day and year aforesaid and soforth.

Wm. Pinkney for Pltff. Pledges &c. } John Doe, and Richard Roe.

Oyer of the writing obligatory.

Know all men by these presents that we Michael O'Mealy, John Holmes and Hugh Maccaughlay, all of Baltimore Town in the State of Maryland are held and firmly bound unto William Wheteroft of the City of Annapolis in the full and just sum of twenty eight thousand pounds Current money of Maryland to be paid to the said William Wheteroft or to his certain attorney, Executors Administrators or Assigns to the which payment well and truly to be made and done We bind ourselves and each and every of us over and each and every of our heirs Executors and Administrators Jointly, severally and firmly by these presents. Sealed with our seals and dated this Eighteenth day of January one thousand seven hundred and ninety two.

The Condition of the above obligation is such that if the above bound Michael O'Mealy, John Holmes and Hugh Maccaughlay or any or either of them their or any or either of them their or any or either of their heirs Executors or Administrators do and shall well and truly Pay or cause to be paid unto the above named William Wheteroft or to his certain attorney, Executors Administrators or Assigns the full and just sum of Fourteen thousand pounds Current money of Maryland on or before the first day of April which shall be in the year seventeen hundred and ninety four without Interest until that time then and in this obligation to be void.

Signed Sealed and Delivered In the Presence of D. Delozier } Michael O'Mealy (Seal) Jno. Holmes Jr. (Seal) Hugh Maccaughley (Seal)

Indorsement