Roger Nelson use of Philip B Key against Rinaldo Johnson

Be it remembered, that heretofore, to wit on the sixteenth day of March in the year of our Lord one thousand seven hundred and ninety seven the said Roger Nelson by Philip Barton Key his attorney prosecuted and sued forth out of the General Court the writ of the State of Maryland of capias ad respondendum directed to the sheriff of Prince Georges County in the words following, to wit.

The State of Maryland, &c. To the sheriff of Prince Georges County Greeting. We command you that you take Rinaldo Johnson late of Prince Georges County farmer, otherwise called Rinaldo Johnson of Prince Georges County 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 Roger Nelson of a plea that he render unto him the full and just sum of three hundred pounds Current money which from him he unjustly detains and soforth.

Hereof fail not at your peril and have you then and there this writ

Witness the honourable Robert Goldsborough Esquire Chief judge of our said Court, the 12th day of December Anno domini 1796.

Issued the 16th day of March 1797.

(Key) Jno. Gwinnbth.

And the said Roger Nelson by his attorney aforesaid, on the day of prosecuting and suing forth the said writ, declared in the said court against the said Rinaldo Johnson in the plea aforesaid as follows, to wit.

Western Shore, State of Maryland. Prince Georges County, ss. Rinaldo Johnson late of Prince Georges County Farmer, otherwise called Rinaldo Johnson of Prince Georges County was summoned to answer unto Roger Nelson surviving obligee of William Sim and Roger Nelson of a plea that he render unto him the full and just sum of three hundred pounds Current money which from him he unjustly detains and soforth.

And whereupon the said Roger Nelson by Philip Barton Key his attorney saith that whereas the aforesaid Rinaldo Johnson on the sixteenth day of March in the year one thousand seven hundred and ninety five at the County aforesaid, by his certain writing

writing obligatory, acknowledged himself to be held and firmly bound unto them the aforesaid William Sim and Robert Nelson in the life time of the said William Sim who is since deceased and whom the said Roger Nelson hath survived in the aforesaid sum of three hundred pounds current money to be paid to them the said William Sim and Roger Nelson when afterwards he should be thereunto required.

And the said Roger in fact saith that the aforesaid sum of three hundred pounds current specie at the time of executing the writing obligatory aforesaid then was now is and always since hath been of the value of three hundred pounds Current money to wit, at the County aforesaid.

Nevertheless the aforesaid Rinaldo Johnson although often thereunto required the aforesaid sum of three hundred pounds Current specie to them the said William Sim and Roger Nelson or either of them in the life time of the said William Sim or to the said Roger Nelson since the death of the said William Sim whom the said Roger Nelson hath survived hath not rendered or paid, but the same or any part thereof or the value thereof or any part of such value to them hitherto to render or pay he hath altogether refused and the said Rinaldo still doth refuse to pay the same to the said Roger Nelson wherefore the said Roger Nelson saith he is the worse, and hath damage to the value of six hundred pounds Current money and therefore he brings suit and soforth and brings here into Court the writing obligatory aforesaid sealed with the seal of the aforesaid Rinaldo Johnson which the debt aforesaid in form aforesaid, witnesseth, the date whereof is the day and year aforesaid, and soforth.

Philip Barton Key for the Plff. } Jno. Doe, and
Pledges, and so forth, } Richard Roe.

The oyer of the writing obligatory aforesaid and the Condition thereof, follow in these words, to wit.

Know all men by these presents that I Rinaldo Johnson of Prince Georges County am held and firmly bound unto William Sim and Roger Nelson in the full and just sum of three hundred pounds Current specie to be paid unto the said William Sim and Roger Nelson their certain Attorney executors, administrators or Assigns to which payment well and truly to be made and done I bind myself my heirs executors and Administrators firmly by these presents, Sealed with my seal and

dated