William Clemm
against
Thomas Kerr.

Be it remembered, that heretofore to wit, On the Thirteenth day of April in the year of our Lord One thousand seven hundred and ninety seven, William Clemm by Robert Smith his Attorney sued out of the General Court here, the writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Baltimore County in form following to wit.

The State of Maryland &c. To the Sheriff of Baltimore County, Greeting: You are hereby commanded to take Thomas Kerr late of Baltimore County Yeoman, if he shall be found in your bailiwick and him safe keep, so that you have his body before the Judges of the General Court, to be held at the City of Annapolis on the second tuesday of May next, to answer William Clemm of a plea of Trespass upon the case &c. so forth. Hereof fail not at your peril, and have you then and there this writ. Witness the honorable Robert Goldsborough Esquire Chief Judge of the said Court, the Twelfth day of December Anno Domini 1796

Issued the 13th day of April 1797. (A. S.) John Gwinn Cl.

And the said William Clemm by his Attorney aforesaid on the day of the date and issuing of the aforegoing writ, filed in Court here a Declaration; a Copy whereof was made and sent with the said writ, to the Sheriff of the County aforesaid in form following to wit.

State of Maryland, Baltimore County to wit. Thomas Kerr late of Baltimore County, Yeoman was attached to answer William Clemm of a plea of Trespass upon the case &c. so forth; And whereupon the same William Clemm by Robert Smith his Attorney complains that the said Thomas Kerr after the first day of May, in the year Seventeen hundred and five, to wit, On the Twenty eighth day of July in the year seventeen hundred and ninety four at the County aforesaid, did make his certain Note in writing, commonly called a promissory Note, bearing date the same day and year last mentioned, with his proper name and hand thereto subscribed; And the same note to the said William Clemm then and there did promise to pay unto the said William Clemm or order negotiable at the Bank of Maryland Five hundred & forty Dollars, Sixty days after the date thereof, for value received, according to the tenor and effect of the same note; by reason whereof and also by force of the Statute in such cases made and provided, the

(same)

same Thomas Kerr became liable to pay unto the said William Clemm the said sum of Five hundred & forty Dollars according to the tenor and effect of the same Note; and being so liable the said Thomas Kerr in consideration thereof, then and there undertook and promised the said William Clemm to pay to him the said sum of Five hundred & forty Dollars according to the tenor and effect of the same Note. And the said William in fact saith that the said sum of Five hundred & forty Dollars at the time of making the said Note was & ever since hath been & still is of the value of hundred & two pounds ten shillings current money of Maryland to wit. at the County aforesaid. Nevertheless, the said Thomas Kerr not regarding his promise and assumption aforesaid; but intending to defraud the same William Clemm in this behalf hath not yet paid the said sum of Money, or any part thereof or the value thereof, to the said William Clemm (although so to do the said Thomas Kerr on the day and year aforesaid, and often afterwards at the County aforesaid, was requested by the said William Clemm) but hitherto hath refused and still doth refuse to pay to him the same, to the Damage of the said William Clemm Five hundred pounds current Money of Maryland, and thereupon he brings suit and so forth Robert Smith for Pltff Pledges for prosecuting John Doe, & Richd. Roe.

At which said second tuesday of May being the ninth day of the same Month, in the year of our Lord One thousand seven hundred and ninety seven, and the day of the return of the aforegoing writ, comes into the General Court here, the said William Clemm by his Attorney aforesaid, and the sheriff of the County aforesaid to wit, Henry Stevenson, to whom the said writ was in form aforesaid directed, likewise comes and makes return thereof to the Court here thus endorsed to wit

Cepi. Copy served 18th April, Bail piece and power to D. Mc

H. Stevenson Shff

And the said Thomas Kerr by David McMecher his Attorney, appears in Court here; And thereupon on the motion of the said William Clemm by his Attorney aforesaid, It is ruled by the Court here, that the said Thomas Kerr give special Bail in the plea aforesaid; Whereupon the said Thomas Kerr by his Attorney aforesaid, files in Court here a Bail piece in form following to wit.

William Clemm
against
Thomas Kerr.

You William Kerr and Thomas Morgan do jointly and severally acknowledge yourselves special bail for Thomas Kerr at the suit of William Clemm in an Action of a

(plea)