that thereof he the said sheriff should not fail at his peril and that he should have then there that writ and so forth.

At which said third Monday of March in the year seventeen hundred and ninety seven being the day of the return of the aforegoing recited writ comes the said John Whitenech by Joshua Dorsey his attorney and the sheriff of Frederick County to whom the same writ was directed also Comes and makes return thereof thereof to the Court thus endorsed to wit. Lepi Richard Butler Shff.

And the said Basil Delashmutt being called appears and at the prayer of the Plaintiff by his attorney aforesaid the said Basil Delashmutt is adjudged to give special bail to the action aforesaid. Thereupon a certain Ralph Briscoe of Frederick County yeoman present in Court here doth undertake and become pledge and Manucaptor for the said Basil Delashmutt in the plea aforesaid that if it shall happen that the said Basil Delashmutt shall be therein legally Convicted then the same Ralph Briscoe did grant that as well the Debt aforesaid as all such Damages Costs and Charges which to the said John Whitenech in this part shall be adjudged of his lands and Chattels to be made and to and for the use of the said John Whitenech levied in case the said Basil Delashmutt the Debt Damages Costs and Charges aforesaid to the said John Whitenech shall not pay and satisfy or himself to the prison and Custody of the sheriff of Frederick County aforesaid on that occasion render. And the aforesaid Basil Delashmutt by Roger Nelson his attorney comes and defends the force and injury when and so forth, and at the prayer of the said Basil Delashmutt by his said attorney the said John Whitenech is adjudged to declare against the said Defendant in the plea aforesaid by the next rule day to wit, the first day of September next. And the said Defendant by his attorney aforesaid prays leave to imparle hereunto until the next Court and he hath it the same day is given to the Plaintiff also.

At which said next Court to wit, the third Monday of November in the year seventeen hundred and ninety seven come here again the said Parties Plaintiff and defendant by their attornies aforesaid and the said Plaintiff declared against the said Defendant in the plea aforesaid as follows to wit. Frederick County to wit. Basil Delashmutt late of Frederick County yeoman was summoned to answer unto John Whitenech in a plea that he render unto him the sum of thirty nine pounds fifteen shillings Current money which to him he owes and from him unjustly detains and so forth. And whereupon the said John Whitenech

Whitenech by Joshua Dorsey his attorney complains that whereas on the nineteenth day of May seventeen hundred and ninety six at Frederick County the said Basil Delashmutt by his certain writing sealed with his seal and now here in Court shewn the date whereof is the day and year aforesaid promised to pay or cause to be paid unto the said John Whitenech or to his heirs or assigns the just and full sum of thirty nine pounds fifteen shillings silver specie with interest it being for value received. Nevertheless the said Basil Delashmutt (although thereunto required afterwards to wit on the day and year aforesaid and often afterwards at the County aforesaid) hath not yet paid the said sum of money to the said John Whitenech but to pay the same hath hitherto refused and still doth refuse, wherefore the said John Whitenech saveth he is injured and hath damage to the value of one hundred pounds Current money of Maryland and therefore he brings suit and so forth.

Pledges. John Doe and Richard Roe.

And the said Defendant at the prayer of the Plaintiff by his attorney aforesaid is adjudged to answer to the Declaration aforesaid of the said Plaintiff in the plea aforesaid by the next rule day to wit, the first day of February next; and the said Defendant by his attorney aforesaid prays further leave to imparle hereunto until the next Court and he hath it the same day is given to the Plaintiff also.

And now here at this day to wit, the third Monday and nineteenth day of March in the year seventeen hundred and ninety eight Comes here again as well the said John Whitenech by his attorney aforesaid as the said Basil Delashmutt by his attorney aforesaid and the said Basil Delashmutt by his said Attorney as before defends the force and injury when and so forth and prays oyer of the writing obligatory aforesaid and he hath it as follows to wit, I Promise to pay or cause to be paid unto John Whitenech or to his heirs or assigns the just and full sum of thirty nine pounds fifteen shillings silver specy with Interest it being for value received as Witness our hands and Seals this 19th day of May 1796. Basil Delashmutt (Seal)

Test. Benjamin Hopkins.

Which being read and heard the said Basil says that he is not indebted to the said John Whitenech as the said John Whitenech above hath declared against him and this he is ready to verify wherefore he prays judgment if the said John ought to have or maintain his action thereof against him and the aforesaid Basil Delashmutt by his said attorney produces to the Court here the following writ of Habeas Corpus to wit; The State of Maryland &c. To the Justices and sheriff of Frederick County Greeting. Whereas a certain Basil Delashmutt