and agrees to Stay execution untill the first day of August next: payments if any to be allowed.

Test. John Gwinn Clk.

Thorowgood Smith and Isaac Smith against Richard Ratien & Nicholas Koneche

Be it remembered, that heretofore, to wit on the sixteenth day of April in the year of our Lord one thousand seven hundred and ninety eight, the said Thorowgood Smith and Isaac Smith by Robert Smith their Attorney sued out of the 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, ss. To the Sheriff of Baltimore County, Greeting. You are hereby commanded to take Richard Ratien and Nicholas Koneche late of Baltimore County Merchants if they shall be found in your bailiwick, and them safe keep, so that you have their bodies before the Judges of the General Court, to be held at the City of Annapolis on the second Tuesday of May next, to answer unto Thorowgood Smith and Isaac Smith of 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 Robert Goldsborough Esquire Chief Judge of the said Court, the 29th. day of Janr. anno Domini 1798. Issued the 16th. day of April 1798. (R Smith) John Gwinn Clk

And the aforesaid Thorowgood Smith and Isaac Smith by their Attorney aforesaid on the day of the issuing of the aforesaid Writ filed in Court here, the following Declaration, Copies whereof were made and sent with the said Writ, to the Sheriff of the County aforesaid, to wit.

State of Maryland Baltimore County ss. Richard Ratien and Nicholas Koneche late of Baltimore County Merchants were attached to answer unto Thorowgood Smith and Isaac Smith of a plea of Trespass upon the Case and so forth, And whereupon the same Thorowgood and Isaac by Robert Smith, their Attorney, complains that the said Ratien and Koneche after the first day of May in the year seventeen hundred and five, to wit, on the Eighteenth day of September in the year seventeen hundred and ninety five at the County aforesaid, did make their certain Note in writing, commonly called a promissory Note, bearing date the same day and year

(last)

last mentioned, with their proper Name and hand thereto subscribed; and the same Note to the said Thorowgood and Isaac then and there did deliver, and by the same Note did promise to pay unto the said Thorowgood and Isaac or order Ninety days after the date thereof Two thousand dollars 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 Ratien and Koneche became liable to pay unto the said Thorowgood and Isaac the said sum of Two thousand Dollars according to the Tenor and effect of the same Note; And being so liable the said Ratien and Koneche in consideration thereof, then and there undertook and promised the said Thorowgood and Isaac to pay them the said sum of Two thousand Dollars according to the Tenor and effect of the same Note, And the said Thorowgood and Isaac do aver that the said sum of Two thousand Dollars at the time of making said Note was and ever since hath been and still is of the value of Seven hundred and fifty pounds of Current Money of Maryland to wit at Baltimore County aforesaid, Nevertheless the said Ratien and Koneche not regarding their promise and assumption aforesaid, but intending to defraud the same Thorowgood and Isaac in this behalf have not yet paid the said sum of Money, or any part thereof or the value thereof to the said Thorowgood and Isaac (although so to do the said Ratien and Koneche on the day and year aforesaid and often afterwards at the County aforesaid, were requested by the said Thorowgood and Isaac) but hitherto have refused, and still do refuse to pay them the same To the Damage of the said Thorowgood and Isaac Sixteen hundred pounds, Current Money of Maryland, and thereupon they bring Suit and so forth.

R. Smith for Pltffs. pledges for prosecuting John Doe and Richd. Roe.

At which mentioned second Tuesday of May being the Eighth day of the same month, in the year of our Lord one thousand seven hundred and ninety eight, and the day of the return of the aforegoing Writ, come into the General Court here, the aforesaid Thorowgood Smith and Isaac Smith by Robert Smith their Attorney aforesaid; And the Sheriff of Baltimore County aforesaid, to wit, Cornelius Howard Esqr. Gentleman, to whom the said aforegoing Writ was in form aforesaid directed, likewise comes and makes return thereof, to the Court here, thus endorsed, to wit.

("Cepi)