James Law use of Eliza Davis against Philip Jenkins

Be it remembered that heretofore to wit, on the sixteenth day of February in the year of our Lord one thousand seven hundred and ninety nine the said James Law by Walter Dorsey 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 Montgomery County in the words and figures following to wit.

The State of Maryland &c. To the sheriff of Montgomery County Greeting. You are hereby commanded to take Philip Jenkins late of Montgomery County Merchant if he shall be found in your bailiwick and him safe keep so that you have his body before the General Court, to be held at the City of Annapolis on the second Tuesday of May next, to answer unto James Law of a plea of trespass upon the Case and soforth. Hereof fail not at your peril and have you then and there this writ. Witness the Honourable Jeremiah Townley Chase Esquire Chief Judge of the said Court the eleventh day of February in the year of our Lord one thousand seven hundred and ninety nine.

Issued the 16th day of February 1799. (WD.) Jno. Gwinn Clk.

And the aforesaid James Law by his attorney aforesaid on the day of the issuing of the aforesaid writ filed in Court here the following declaration and account, A Copy whereof was made and sent with the said writ to the Sheriff of the County aforesaid, to wit.

Montgomery County to wit. Philip Jenkins late of Montgomery County merchant was attached to answer unto James Law of a plea of trespass upon the Case and soforth. And whereupon the said James Law by Walter Dorsey his attorney complains that whereas the said Philip Jenkins on the twenty ninth day of May in the year of our Lord one thousand seven hundred and ninety eighth at Montgomery County aforesaid was indebted to him the aforesaid James Law in the sum of one hundred and twenty two pounds twelve shillings and six pence Current money of Maryland for Sundry matters properly chargeable in account as by a particular thereof herewith into Court brought may appear and being so thereof Indebted the aforesaid Philip Jenkins afterwards to wit, on the day and year aforesaid at the County aforesaid in Consideration thereof upon himself assumed and to the said James Law then and there faithfully promised that he the said Philip Jenkins the aforesaid sum of money to him the said James Law when afterwards he should be thereto requested would well and truly content and pay. And whereas the said Philip Jenkins afterwards to wit, on

on the day and year aforesaid at Montgomery County aforesaid was indebted to the said James Law in other one hundred and twenty two pounds twelve shillings and six pence of like lawful money for divers Goods wares and Merchandizes by the said James Law before that time sold and afterwards delivered to the said Philip Jenkins and at his special instance and request And being so indebted he the said Philip Jenkins in Consideration thereof afterwards to wit, on the same day and year aforesaid at Montgomery County aforesaid undertook and faithfully promised the said James Law to pay him the said last mentioned sum of money when he the said Philip Jenkins should be thereunto afterwards requested Yet the said Philip Jenkins not regarding his said several promises and undertakings so by him made in his behalf as aforesaid but Contriving and fraudulently intending craftily and subtilly to deceive and defraud the said James Law in this behalf hath not as yet paid the said several sums of money, or any part thereof to the said James Law (although so to do, he the said Philip Jenkins was requested by the said James Law afterwards to wit on the day and year aforesaid, and often afterwards to wit at the County aforesaid) but he to do this hath hitherto wholly refused and still refuses so to do to the said James Law his damages of three hundred pounds Current money of Maryland and therefore he brings suit and soforth.

Walter Dorsey for Plff. Pledges to Prosecute } John Doe, and Richard Roe.

At which mentioned second Tuesday of May being the fourteenth day of the same month in the year of our Lord one thousand seven hundred and ninety nine and the day of the return of the aforegoing writ comes into the General Court here the aforesaid James Law by Walter Dorsey, his attorney aforesaid and the sheriff of Montgomery County aforesaid to wit, Benjamin W. Jones, 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 Copy left 16th March. Benjn. W. Jones Shff.

And the said Philip Jenkins by John T. Mason his attorney appears in Court here, And thereupon on motion of the aforesaid James Law by his Attorney aforesaid It is ruled by the Court here that the said Philip Jenkins give special bail to the action aforesaid in the plea aforesaid; Whereupon the said Philip Jenkins by his attorney aforesaid files in Court here the following bail piece, to wit.

James Law for the use of Elizabeth Davis Plff. agt. Philip Jenkins Defendt.

You Benjamin Ray Junr. and Hezekiah Viers do Jointly and severally acknowledge