Money according to the tenor of the note aforesaid — Nevertheless the said James and Henry their promise and assumption aforesaid not regarding but contriving and fraudulently intending the said Walter and Clement in this behalf craftily and subtilly to deceive and defraud the said sum of Eight hundred dollars or any part thereof to the same Walter and Clement have not yet paid, although to do it they were required by the said Walter and Clement after the expiration of the said Ninety days in said note specified to wit, on the fifth day of June aforesaid and often after at Montgomery County aforesaid) but have altogether denied and yet do deny to pay them the same To the Damage of them the said Walter and Clement in the sum of Eight hundred pounds current money of Maryland and therefore they bring suit and so forth.

John T. Mason for the Plaff. Pledges and so forth Mr. Doe & Richd. Roe

Oyer of the Note.

$800. George Town Febr. 28th 1800

Ninety days after date We promise to pay John R. Plater or Order, Eight hundred Dollars Negociable in the Bank of Columbia value received. Bowman & Forrest.

Endorsed. J. R. Plater.

Copies of which said declaration and Oyer were made and sent to the Sheriff of the County aforesaid, with the said Writ, thereon endorsed, "To be served on each of the Defendants, with the writ, or "left at their place of abode, twenty days at least before the return of "of the said writ, for plea or Judgment the first Court,"

At which mentioned Second Tuesday of October being the fourteenth day of the said month, in the year of our Lord one thousand Eight hundred, and the day of the return of the foregoing Writ, come into the General Court here, the aforesaid Walter Smith and Clement Smith by John Thompson Mason their Attorney aforesaid; And the Sheriff of Montgomery County aforesaid, to wit, Benjamin White Jones Gentleman, to whom the said foregoing writ, was in form aforesaid directed, makes return thereof, to the Court here, thus endorsed, to wit, — Copi Copies left 17th Septr. Benj. W. Jones Shff.

And the said James O Bowman and Henry Forrest by James Sewell Morsell their Attorney, appear in Court here; And thereupon on motion of the aforesaid Walter Smith and Clement Smith by their Attorney aforesaid, It is ruled by the Court here, that the said James O Bowman and Henry Forrest give special bail in the plea aforesaid;



Whereupon the said James O Bowman and Henry Forrest by their Attorney aforesaid, filed in Court here, a certain Bail piece; and which being approved of by the Court here, is in form following, to wit. —

Walter Smith and Clement Smith — Plaintiffs

against.

James O Bowman and Henry Forrest. Defendants

You William Whann and Adam Whann do jointly and severally acknowledge yourselves special bail for the said James O Bowman and Henry Forrest at the suit of the said Walter Smith and Clement Smith in an action of Trespass on the case brought by the said Clement Smith and Walter Smith against the said James O Bowman and Henry Forrest in the General Court, They acknowledge themselves to be content therewith this Twenty Sixth day of September 1800. Danl. Reintzell

Before. Thos. Corcoran.

To the Honorable the Judges of the General Court. —

We do hereby authorise and empower James S. Morsell Esquire to appear for us in the above Suit. — Bowman & Forrest. —

And thereupon, on the motion of the aforesaid Walter Smith and Clement Smith by their Attorney aforesaid, It is ruled by the Court here that the said James O Bowman and Henry Forrest answer to the declaration aforesaid of the aforesaid Walter Smith and Clement Smith in the plea aforesaid, or Judgment by the Court here will be entered against them in default thereof; And the said James O Bowman and Henry Forrest by their Attorney aforesaid, defend the force and injury when, and so forth, and pray leave of the Court here to imparle until the Second Tuesday of May next, and then to answer to the declaration aforesaid of the aforesaid Walter Smith and Clement Smith in the plea aforesaid and to them it is granted; the same day is given to the aforesaid Walter Smith and Clement Smith also.

At which said second Tuesday of May, being the twelfth day of the said month, in the year of our Lord one thousand eight hundred and one, to which said day the said James O Bowman and Henry Forrest had leave to imparle, and then to answer to the declaration aforesaid of the aforesaid Walter Smith and Clement Smith in the plea aforesaid, come again into the General Court here, as well the aforesaid Walter Smith and Clement Smith by their Attorney aforesaid, as the said James O Bowman and Henry Forrest by their Attorney aforesaid; And the said James O Bowman and Henry Forrest by their Attorney aforesaid, as before defend the force and injury, when, and so forth, and say, that they did not