the plea aforesaid, comes again into the General Court here, as well the aforesaid William Kilty in his proper person, as the said George Smith by his Attornies aforesaid; And the said George Smith by his Attornies aforesaid, as before defends the force and injury when and so forth, and saith that the aforesaid William Kilty his action aforesaid against him to have or maintain ought not &c. because he saith that he the said George Smith did pay unto the aforesaid William Kilty the said Sums of Current money in the Condition of the said writing obligatory mentioned with legal interest thereon according to the form and effect of the condition of the said writing obligatory and this he is ready to verify; wherefore he prays Judgment if the aforesaid William Kilty his Action aforesaid against him to have or maintain ought &c.

And the aforesaid William Kilty in his proper person saith that he by any thing by the said George Smith above in pleading alledged from having and maintaining his action aforesaid against him ought not to be precluded because he saith, that the said George Smith did not pay unto him the aforesaid William Kilty the aforesaid sums of money in the Condition aforesaid mentioned with the interest thereon in manner and form as the said George Smith above by pleading hath alledged, and this he prays may be enquired of by the Country, and the said George Smith in like manner and so forth; Therefore let a Jury thereon appear before the Court here on the second Tuesday of October next, by whom and so forth; and who neither and so forth; to recognize and so forth; because as well and so forth; the same day is given to the parties aforesaid then and there and so forth.

And now at this day, to wit, the said second Tuesday of October being the thirteenth day of the same month, in the year of our Lord one thousand eight hundred and one, comes again into the General Court here, as well the aforesaid William Kilty in his proper person as the said George Smith by his Attornies aforesaid; And the said George Smith by his Attornies aforesaid relinquishing the averment aforesaid, above by him pretended says that he cannot deny the action aforesaid of the aforesaid William Kilty as aforesaid against him brought, nor but that he owes to the aforesaid William Kilty the aforesaid sum of Three thousand nine hundred and eight pounds five Shillings current money in manner and form aforesaid, so as the aforesaid

(William)



William Kilty above against him hath declared.

Therefore it is considered by the Court here, that the aforesaid William Kilty recover against the said George Smith as well the sum of Three thousand nine hundred and eight pounds five Shillings Current Money, his debt aforesaid, in form aforesaid confessed, as also the quantity of Eight hundred and three pounds of Tobacco, by the Court here unto him the aforesaid William Kilty on his afore adjudged, for his damages which he hath sustained, as well by reason of the detention of the said debt, as for his costs and charges by him about his Suit in this behalf laid out and expended; And the said George Smith in Mercy and so forth.

Memorandum, Judgment rendered in this Cause on the twenty sixth day of October in the year of our Lord one thousand eight hundred and one, for the Sum of Three thousand nine hundred and eight pounds five Shillings current money the penalty of the Bond, and costs of Suit; To be released upon payment of the principal Interest and Costs, and the Plaintiff agrees to stay Execution until the first day of January next; payments if any to be allowed.

26 fol.

Test. John Gwinn Clk.

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**William Kilty against Nathan Smith**

Be it remembered, that heretofore to wit, on the twenty second day of January in the year of our Lord one thousand eight hundred, the said William Kilty in his proper person prosecuted and sued forth, out of the General Court here, the writ of the State of Maryland of Capias ad respondendum, directed to the Sheriff of Calvert County in the words following, to wit.

The State of Maryland, &c, To the Sheriff of Calvert County. Greeting You are hereby commanded to take Nathan Smith late of Calvert County Gentleman otherwise called Nathan Smith of Calvert County 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 William Kilty of a plea, that he render unto him the full and just sum of Three thousand nine hundred and eight pounds five Shillings current money which to him he owes and from him unjustly detains and so forth, here fail not at your peril, and have you then and there this writ, Witness the honourable Jeremiah Townley Chase Esquire, Chief

(Judge)