hundred and eighty eight, here came again the Parties aforesaid by their Attorneys aforesaid, and the said Thomas Smyth by his Attorney afsd affiled his declaration in the plea aforesaid against the said Samuel Thomas which ensues as follows, to wit: "Kent County, ss. Samuel Thomas late of Kent county Planter was summoned to answer unto Thomas Smyth of a plea that he render unto him three hundred and eighty seven pounds fifteen shillings and three pence Current money of Maryland which to him he owes & unjustly detains &c — And whereupon the said Thomas Smyth by William Tilghman his Attorney saith that whereas the said Samuel Thomas on the third day of April in the year of our Lord one thousand seven hundred & eighty four seven at the County aforesaid by his certain writing obligatory with his seal sealed & to the Court here shewn the date whereof is the day & year aforesaid acknowledged himself to be held & firmly bound unto the said Thomas Smyth in the aforesaid sum of Three hundred and Eighty seven pounds fifteen shillings and three pence current money afsd to be paid to the said Smyth when thereto afterwards he should be thereunto required (Yet the said Samuel Thomas (altho' often required) the aforesaid sum of money to the said Smyth hath not paid but the same to him to pay, altho' altogether refused & still doth refuse to the damage of the said Thomas Smyth twenty pounds current money aforesaid & thereupon he brings suit &c —

Pledges &c John Doe Richd Roe

Wm Tilghman

And thereupon at the prayer of the said Thomas Smyth it was ruled by the Court here, that the said Samuel Thomas should file his plea and answer to the Declaration of the said Thomas Smyth by the second Tuesday of April then next or that Judgment should be rendered against the said Samuel Thomas by default. The same day was given to the said Thomas Smyth then and so forth. —

And now here at this day, to wit: the said second Tuesday of April, in the year One thousand Seven hundred and eighty nine, come again the said Parties by their Attorneys aforesaid, and the said Thomas Smyth by his Attorney afsd affiles in court here the writing obligatory in the Declaration of the said Thomas mentioned, which ensues, as follows, to wit —

Know all men by these presents that I Samuel Thomas of Kent County Maryland am held and firmly bound unto Thomas Smyth of the county afsd in the sum of Three hundred and eighty seven pounds fifteen shillings and three pence current money of the County afsd to be paid to the said Thomas Smyth or his certain

Attorney, Executors, Administrators or Assigns. To which payment well and truly to be made and done I bind myself my Heirs Executors and Administrators firmly, by these Presents sealed with my seal and Dated this third day of April in the year of our Lord one thousand seven hundred and eighty seven —

The Condition of the above obligation is such that if the above bounden Samuel Thomas, his Heirs, Executors, Administrators or any of them shall and do well and truly pay or cause to be paid, unto the above named Thomas Smyth or his certain Attorney, Executors Administrators or Assigns, the just sum of one hundred and ninety three pounds seventeen shillings and seven pence half penny with legal Interest for the same without any fraud or further delay, then the above obligation to be void, or else to be and remain in full force and virtue. —

Sealed and Delivered in the presence of . . . } Samuel Thomas (Seal)

John Crew —

And the said Samuel Thomas by his Attorney aforesaid defends the wrong & injury when and so forth, and saith that he cannot gainsay the action afsd of the said Thomas Smyth, nor can he deny but that the writing obligatory aforesaid is the deed of him the said Samuel Thomas; nor but that he owes to the said Thomas Smyth the aforesaid sum of Three hundred and eighty seven pounds, fifteen shillings and three pence current money in manner and form as the said Thomas Smyth above against him hath declared: Therefore it is considered by the Court here that the said Thomas Smyth do recover against the said Samuel Thomas the Debt aforesaid in form aforesaid acknowledged; as also the quantity of five hundred and forty pounds and one fifth of a pound of Tobacco; as well for his damages which he hath sustained by occasion of the detention of that debt, as for his costs and Charges by him about his suit in this behalf expended: unto the said Thomas Smyth by the Court here with his assent adjudged and so forth. And the said Samuel Thomas in mercy and so forth —

James Earle Clk

Judgment was rendered in this Action on the Seventeenth day of April in the year Seventeen hundred and Eighty nine, for Penalty and Costs to be released on the payment of the Principal, Interest and Costs: Payments if any to be allowed, — Stay of Execution till September Term next. —