Thomas Smyth use of Benjamin Hawkins against Darius Dunn. — Be it remembered that on the twelfth day of June in the year Seventeen hundred and eighty seven command was given to the Sheriff of Kent County that he should take Darius Dunn late of Kent County Farmer if he should be found in his Bailiwick and him safe keep so that he might have his body before the Judges of the General Court to be held for the Eastern Shore of this State at Talbot County Court-House the second Tuesday of April then next, to answer unto Thomas Smyth of a plea that he render unto him two hundred and thirty two pounds four shillings current money of Maryland which to him he owes and unjustly detains &c — Then of he the said Sheriff should not fail at his Peril, and that he should have then and there that writ &c —

At which said second Tuesday of April, in the year Seventeen hundred and eighty eight, being the day of the return of the aforesaid writ, here came the said Thomas Smyth by William Tilghman his Attorney, and the Sheriff of Kent County aforesaid also came and made return of the same writ thus endorsed to wit. Capi Geo Hanson Shff. Whereupon the said Sheriff being solemnly called upon to bring into Court the body of the said Darius Dunn, according to the tenor of the return of the writ aforesaid; did not bring in the same; but therein made default: therefore it was ruled by the Court here at the prayer of the said Thomas Smyth that the said Sheriff should be amerced, forfeit and pay to the State of Maryland the sum of six shillings and eight pence current money unless he the said Sheriff should have the body of the said Darius Dunn before the Judges of this Court on the second day of the then next September term. The same day was given to the said Thomas Smyth then and so forth. —

At which said second Tuesday of September term in the year Seventeen hundred and eighty eight, here came again the said Thomas Smyth by his Attorney aforesaid, and the Sheriff of Kent County afsd being again solemnly called upon to bring into Court here the body of the said Darius Dunn accordingly brought in the same; and the said Darius Dunn put in his place Peugnine Letherbury as his Attorney, and the said Darius by his said Attorney affitd in Court here the following bail piece, to wit: Thomas Smyth use of Benjn. Hawkins Plff. against Darius Dunn Deft. Dt. You Michael Dunn and

Benjamin Hatchison do jointly and severally acknowledge yourselves Special Bail for the said Darius Dunn at the suit of the said Thomas Smyth, for the use of Benjamin Hawkins in an action of Debt brought by the said Thomas Smyth for the use of Benjamin Hawkins against the said Darius Dunn in the General Court — They acknowledge themselves to be therewith content this 29th day of April 1788. before John Scott —

To the honorable the Judges of the General Court —

I do hereby appoint Peugnine Letherbury my Attorney to appear for me in the above action — Darius Dunn

And the said Thomas Smyth by his Attorney aforesaid affiled his Declaration in the plea aforesaid, against the said Darius Dunn, which ensues as follows, to wit: Kent County ss. Darius Dunn late of Kent County Farmer was summoned to answer unto Thomas Smyth of a plea that he render unto him two hundred and thirty two pounds four shillings current money of Maryland which to him he owes & unjustly detains and so forth — And whereupon the said Thomas Smyth by William Tilghman his Attorney saith that whereas the said Darius Dunn on the twenty third day of May in the year of our Lord one thousand seven hundred and eighty 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 and firmly bound unto the said Thomas in the aforesaid sum of two hundred and thirty two pounds four shillings current money afsd to be paid to the said Thomas when thereto afterwards he should be required yet the said Darius (altho' often required) the aforesaid sum of money to the said Thomas hath not paid, but the same to him to pay hath hitherto altogether refused & still doth refuse to the damage of the said Thomas twenty pounds current money aforesaid & therefore he brings suit &c —

Wm. Tilghman — Pledges &c — John Doe Richd. Roe —"

The writing obligatory mentioned in the above Declaration insues, as follows, to wit: Know all men by these presents that I Darius Dunn of Kent County in the State of Maryland Farmer am held and firmly bound unto Thomas Smyth of Chester Town and State afsd in the full and just sum of Two hundred and thirty two pounds four shillings specie to be paid unto the afsd Thomas Smyth or his certain Attorney Heirs Executors Administrators or Assigns: To the which payment well and truly to be made and done, I bind myself my Heirs Executors and Administrators for and in the whole firmly by these presents sealed with my seal and