render unto him the quantity of thirty three thousand pounds of Tobacco which from him he
unjustly detains and so forth, and that to the said Sheriff should not fail at his peril and
should have then and there that writ. At which said court Tuesday in September term
in the year seventeen hundred and ninety here came the said Smith Middleton by Luther
Martin his attorney, and Jonathan Seney Sheriff of the County aforesaid, made return
thereof to the Court here that he had taken the body of the within Peregrine Fitzhugh and
the same had ready according to Exigence of the said writ, and the said Smith Middleton by
his attorney aforesaid filed his Declaration in this plea aforesaid against the said Peregrine
Fitzhugh in manner and form following to wit, State of Maryland Queen Anns County
to wit, Peregrine Fitzhugh late of Queen Anns County Gentleman, otherwise called Peregrine
Fitzhugh of Prince George County, was summoned to answer unto Smith Middleton of a
plea that he render unto him the aforesaid Quantity of thirty three thousand pounds of
Tobacco which from him he unjustly detains and so forth, Ara Whereupon
the said Middleton by Luther Martin his attorney saith that whereas the aforesaid Peregrine
Fitzhugh, on the Eighteenth day of February in the year seventeen hundred and eighty three
at Queen Anns County aforesaid by his certain writing Obligatory acknowledged himself to be held
and firmly bound unto the said Middleton in the aforesaid Quantity of thirty three thousand
pounds of Tobacco, to be paid to the said Smith Middleton when afterwards he should be thereto
required: Nevertheless the said Peregrine Fitzhugh (although often thereunto required)
the aforesaid Quantity of thirty three thousand pounds of Tobacco to the said Middleton hath
not rendered or paid, but the same to him to pay hitherto to render or pay he hath altogether
refused and still doth refuse whereupon he saith he is the worse and hath damage to
the Value of five hundred pounds Current money aforesaid and therefore he brings suit
and so forth, and brings here into Court the writing Obligatory aforesaid: Sealed with the
seal of the aforesaid Peregrine Fitzhugh which the said aforesaid in form aforesaid with
respect, the date whereof is the day and year aforesaid, and so forth,
L Martin for the plaintiff, pledges and so forth. John Doe & Richard Roe.
and the said Peregrine Fitzhugh by William Cooke his attorney comes and defends the
force and injury, when and so forth and praying an hearing of the writing Obligatory
aforesaid, and the Condition thereof and he hath them as follows to wit, Know all men
by these presents that I Benjamin Fitzhugh, of Prince George County, and held and
firmly bound unto Smith Middleton of the same County in the full and just sum of
thirty thousand pounds of Tobacco to be paid unto the said Smith Middleton 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 18th day of February anno Domini one
thousand seven hundred and eighty three, The Condition of the above Obligation is
such that if the above bound Peregrine Fitzhugh, shall well and truly pay or cause
to be paid unto the said Smith Middleton his certain attorney Executors or Administrators

the full and just sum of fifteen thousand pounds of good sound Merchantable crop Tobacco in
fifteen hogsheads clear of trash, the said Tobacco to be paid not lower than the Bonded warehouse
on Patuxent River, on or before the first day of June next ensuing with legal interest thereon then
the above Obligation to be void else to remain in full force and virtue in law,
Signed Sealed & Delivered
in the presence of - - -
Benjamin Hall, Theodore Middleton, Peregrine Fitzhugh (Seal)
and the said Peregrine Fitzhugh, by William Cooke his attorney came here into Court, and
thereupon the said Peregrine Fitzhugh, at the prayer of the said Smith Middleton by his attorney
aforesaid, was ruled to give special Bail to this action, Whereupon John Sayer Blake of
Queen Anns County in the State of Maryland, came here into Court, in his proper person
and became Bail for the said Peregrine Fitzhugh, and granted, that if it should happen
that Judgment should be by the Court here rendered, for him the said Smith Middleton
against the said Peregrine Fitzhugh, that then, as well the Debt aforesaid as all such
Damages, Costs and Charges which should be by the said Court to the said Smith Middleton
in this part awarded, of his Body, Lands and Chattels should be made and to the use
of the said Smith Middleton levied, if he the said Peregrine Fitzhugh should not pay the
satisfy the said Debt and Costs or render his body to the prison of Queen Anns County
in satisfaction thereof And the said Smith Middleton by his attorney aforesaid prayed that the said
Peregrine Fitzhugh might be ruled to file his plea in answer to the Declaration aforesaid of
him the said Smith Middleton, on or before the second of April then next following, and that
Judgment on Default thereof against the said Peregrine Fitzhugh might be rendered
and it was granted unto him the same day was given to the said Smith Middleton there &c.
At which said court Tuesday in April term, in the year seventeen hundred and ninety
one: Came here again as well the said Peregrine Fitzhugh by his attorney aforesaid defended
the force and injury when and so forth, and said that the said Smith Middleton his action
aforesaid thereof against him to have or maintain ought not, because he saith that
at the day and place mentioned in the said Condition, he did well and truly pay and dis-
charge to the said Smith Middleton the said Quantity of Tobacco in the Condition of
the writing Obligatory aforesaid mentioned, according to the form and effect of the same
Condition mentioned, to wit, at the County aforesaid, and this he is ready to verify: whereupon
he prays Judgment if the said Smith Middleton his action aforesaid thereof against him
to have or maintain ought, And the aforesaid Smith Middleton, saith that he from
having or maintaining his action aforesaid against the said Peregrine Fitzhugh ought
not to be precluded, because he saith that the said Peregrine Fitzhugh, at the time
and place mentioned, in the said Condition did not well and truly pay and discharge
unto him the said Smith Middleton, the said Quantity of pounds of Tobacco &c in the
Condition of the writing Obligatory aforesaid mentioned, according to the form and effect
of the Condition aforesaid, in manner and form as the said Smith Peregrine Fitzhugh
above in pleading hath alleged and this he prays might be enquired of by the Country