Anthony Stewart surviving partner of James Dick and Anthony Stewart in company of a plea that he render unto him the sum of six hundred and ten pounds current money of Maryland, which unto him he owes and from him unjustly detains and so forth. And that he should not thereof fail at his peril. And the said Anthony Stewart by Gustavus Scott his Attorney declared against the said John Mitchell, in the plea aforesaid as follows to wit, Maryland, Somerset County, to wit; John Mitchell late of Somerset County planter was summoned to answer unto Anthony Stewart surviving partner of James Dick and Anthony Stewart in company, of a plea that he render unto him the sum of six hundred and ten pounds current money of Maryland, which unto him he owes and from him unjustly detains &c: And whereupon the same Anthony by Gustavus Scott his Attorney saith that the aforesaid John on the fifteenth day of June, in the year seventeen hundred seventy and six, at the County aforesaid, by his certain writing Obligatory, sealed with his seal, and here into Court now brought, the date whereof is the day and year aforesaid acknowledged himself to be held and firmly bound unto the same Anthony, and unto the same James now deceased, whom the same Anthony hath survived, in the aforesaid sum of six hundred and ten pounds current money of Maryland, to be paid to the same Anthony and James whenever after he should be thereunto required: To the payment whereof well and truly to be made and done he bound himself, his Heirs, Executors and Administrators firmly by the same writing Obligatory. Nevertheless the aforesaid John (although often thereto required) the aforesaid sum of money, or any part thereof, unto the same Anthony and James, or unto either of them, in the life time of the same James, or unto the same Anthony since the death of the same James, hath not rendered or paid: but the same sum of money or any part thereof, to render or pay unto the same Anthony and James, or unto either of them, in the life time of the same James, or unto the same Anthony since the death of the same James hitherto altogether hath refused and still doth refuse to render or pay the same unto the aforesaid Anthony; wherefore he saith that he is injured and hath damage to the value of twelve hundred pounds current money of Maryland and therefore he brings Suit &c.

Gustavus Scott for the Plff. Pledges &c. { John Doe, Rich.d Roe }

The writing Obligatory whereof mention is made in the Declaration aforesaid in words following, to wit; Know all Men by these presents, that I John Mitchell of Sussex County upon Delaware am held and firmly

bound unto James Dick and Anthony Stewart of Annapolis, in the just and full sum of six hundred and ten pounds currency, to be paid unto the same James Dick and Anthony Stewart, their 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 fifteenth day of June Anno Domini one thousand seven hundred and seventy six — The Condition of the above obligation is such, that if the above bound John Mitchell do and shall well and truly pay, or cause to be paid, unto the same James Dick and Anthony Stewart, their certain Attorney, Executors, Administrators or Assigns the just and full sum of three hundred and five pounds currency, at or upon the day of next, ensuing the date hereof, with legal Interest for the same; then the above Obligation to be void, else to remain in full force and virtue in Law — signed, sealed and delivered in the presence of Charles Stewart — John Mitchell (Seal)

A copy of which said Note and Bond was made and sent with the writ in the plea aforesaid: And the Sheriff of the County aforesaid to whom the writ aforesaid was directed to the Court here made return thereof, that he had taken the body of the same John Mitchell, and the same had ready according to the exigence of the same writ; And the said John Mitchell by Luther Martin his Attorney also came and defended the wrong and injury when and so forth; and thereupon the said Anthony Stewart by his Attorney aforesaid prayed that the said John Mitchell to his Declaration aforesaid might answer: whereupon it was ordered by the Court, at the prayer of the said Anthony Stewart, that the said John Mitchell to the Declaration aforesaid should answer, by the second Tuesday in April then next following: And it was said to the said John Mitchell that if he should not answer to the Declaration aforesaid by the time aforesaid Judgment should be rendered against him by default: The same day was given to the said Anthony Stewart there and so forth — At which day to wit the second Tuesday in April seventeen hundred and eighty eight here came the said Anthony Stewart by his Attorney aforesaid, and said that the said John Mitchell was dead, and that he died since the last continuance, to wit on the day of at County, leaving and appointing a certain Syrus Mitchell, James Broughton and John Mitchell Executors of his last Will and Testament: and prayed the Court to direct a summon to issue for the said Syrus Mitchell,