by his certain Bill obligatory with his seal sealed and to the Court here shewn the Date whereof is the same day and year acknowledged himself to owe to the said Thomas, Richard and Thomas the aforesaid sum of one hundred and nineteen pounds two shillings and eleven pence current money of Maryland to be paid to the said Thomas, Richard and Thomas, their Heirs, Exors, Admrs or Assigns when thereto afterwards he should be required after the Date of the said Bill obligatory - And to the said payment well and truly to be made and done the said John bound himself, his Heirs, Exors and Admrs firmly by the said Bill - Yet the said John altho' often required the sum of money aforesaid to the said Thomas, Richard and Thomas or to either of them hath not paid but the same to them or either of them to pay hath hitherto altogether refused and still doth refuse to the Damage of the said Thomas, Richard and Thomas two hundred pounds current money aforesaid and thereupon they bring Suit &c.

William Tilghman - Pledges &c. John Doe, Richard Roe -

The Bill obligatory whereof mention is made in the Declaration aforesaid ensues in the following words, to wit - {No Bill filed in this Action}

A Copy of which aforegoing Declaration was made and sent with the Writ in the plea aforesaid - At which day, to wit, the second Tuesday of April seventeen hundred and eighty nine being the day of the return of the aforegoing Writ came the said Thomas Smyth and Sons by their Attorney aforesaid and the Sheriff of Kent County to whom the same Writ was directed likewise came and made return thereof to the Court here thus endorsed, to wit - "Exd" Edward Worrell Shff.o - And the said John by his Attorney came here into Court, and thereupon at the prayer of the said Thomas Smyth and Sons, the said John was ruled to give Special Bail in the plea aforesaid: whereupon the said John by Peter Letherbury his Attorney filed in Court here the following Bail Piece, to wit -

Thomas Smyth, Richard Gresham Smyth & Thomas Smyth the younger Plffs

vs

John Kemp Defendant

You Thomas Kemp and James Claypoole, do jointly and severally acknowledge yourselves Special Bail for the said John Kemp at the suit of the said Thomas Smyth, Richard Gresham Smyth and Thomas Smyth the younger in an Action of Debt brought by the said Thomas Smyth, Richard Gresham Smyth, and Thomas Smyth the younger against the said John Kemp in the General Court. They acknowledge themselves to be content therewith this 19th day of March 1789 - John Scott.



To the Honorable the Judges of the General Court - And the aforesaid Thomas Smyth and Sons by their Attorney aforesaid prayed that a rule of Court be made for the said John to file his plea and answer to the Declaration aforesaid of them the said Thomas Smyth and Sons at the next September Term, and it was granted them - Thereupon further proceeding of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties and their Attorneys aforesaid, and by order of the Court here, thereon was further continued until the second Tuesday of September then next following - At which day, to wit, the second Tuesday of September seventeen hundred and eighty nine came again the parties aforesaid by their Attorneys aforesaid, and it was said to the said John that he should answer to the Declaration of the said Thomas Smyth and Sons by the second Tuesday of April then next following; and it was said to the said John that if he should not answer to the Declaration aforesaid by the day aforesaid, Judgment should be rendered against him by default; the same day was given to the said Thomas Smyth and Sons there and so forth - And now here at this day, to wit, the second Tuesday of April seventeen hundred and ninety come again the parties aforesaid by their Attorneys aforesaid and the said John by his Attorney aforesaid defends the force and injury when and so forth, and saith that he cannot gainsay the Action aforesaid of the said Thomas Smyth and Sons, nor can he deny but that the Bill obligatory aforesaid is the Deed of him the said John, nor but that he owes unto the Thomas Smyth and Sons the aforesaid sum of one hundred and nineteen pounds two shillings and eleven pence current money in manner and form as the said Thomas Smyth and Sons above against him have complained. Therefore it is considered by the Court here, that the said Thomas Smyth and Sons recover against the said John their Debt aforesaid in form aforesaid acknowledged; as also the Quantity of four hundred and eighty seven and four fifths pounds of Tobacco as well for their Damages which they have sustained by occasion of the detention of Debt as for their Costs and Charges by them about their Suit in this behalf expended unto the same Thomas Smyth, Richard Gresham Smyth and Thomas Smyth the younger by the Court here with their Assent adjudged &c. And the said John Kemp in Mercy &c. James Earle Clk.

Judgment was confessed in this Action on the fifteenth day of April seventeen hundred and ninety, with a day of Execution till September Term next following - Penalty to be released on payment of Principal, Interest and Costs - Payment of seventy nine pounds three shillings and eleven pence on the fifteenth of February seventeen hundred and ninety to be allowed -