And now here at this day, to wit, the second Tuesday of April seventeen hundred and ninety, came again the said parties by their Attorneys aforesaid, and the said George by William Hayward his Attorney says that the said plea of the said John in manner and form as the same is pleaded, and the matter therein contained, are not sufficient in Law to bar him the said George from having and maintaining his said Action against the said John and that he the said George has no occasion, neither is he bound by the Law of the land to answer to the plea in manner and form as the same is pleaded and this he is ready to verify; wherefore for want of sufficient plea in this particular, the said George prays Judgment and his Debt aforesaid; together with his Damages, on occasion of detaining the said Debt, to be adjudged pt. Nevertheless the said John by his Attorney aforesaid relinquishing the Averment above by him pretended, says that he cannot deny the Action aforesaid of the said John so as aforesaid against him brought, nor but that he owes to him the said George the said sum of forty five pounds eighteen shillings Specie in manner and form as the said George above against him hath declared. Therefore it is considered by the Court here, that the said George do recover against the said John as well the sum of forty five pounds eighteen shillings Specie, his Debt aforesaid, as the Quantity of one thousand one hundred and thirty seven and four fifths pounds of Tobacco, as well for his Damages sustained by occasion of the detention of that Debt, as for his Costs and Charges by him about his suit in this behalf laid out and expended, and that the said John in mercy &c.

James Earle Clk.

Judgment was confessed in this Action on the twenty first day of April seventeen hundred and ninety for Penalty and Costs; to be released on payment of Principal, Interest and Costs. Stay of Execution till September Term then next following.

Peter Footman use of George Waggaman
vs
John Mitchell, Cyrus Mitchell and James Beatten Exors of John Mitchell.

Be it remembered that on the twenty third day of October seventeen hundred and eighty eight Command was given to the Sheriff of Somerset County, that he should take John Mitchell, Cyrus Mitchell and James Beatten all of Somerset County Gentlemen, Exors of the last Will and Testament of John Mitchell deceased late of Somerset County if they should be found in his Bailiwick, and them safe keep, so that he might have their bodies before the Judges of our General Court, to be held for the Eastern Shore of this State, in Talbot County, at the Court house in the same County, the second Tuesday of April next, to answer unto Peter Footman of a plea that they render unto him the sum of one hundred and ninety five pounds fourteen shillings Specie current money of Maryland which from him they unjustly detain and so forth, and that thereof he the said Sheriff should not fail at his peril, and that he should have then and there that Writ and so forth. And the said Peter by Gustavus Scott his Attorney declares against the said John, Cyrus and Jas in the plea aforesaid in manner and form following, to wit. Maryland Somerset County, to wit: John Mitchell, Cyrus Mitchell and James Beatten, all of Somerset County Gentlemen, Exors of the last Will and Testament of John Mitchell deceased of Somerset County were summoned to answer unto Peter Footman of a plea, that they render unto him the sum of one hundred and ninety five pounds fourteen shillings Specie, current money of Maryland which from him they unjustly detain and so forth. And whereupon the same Peter by Gustavus Scott his Attorney saith that the same John Mitchell in his lifetime, to wit, on the twenty third day of June in the year seventeen hundred and eighty five at Somerset County aforesaid by his certain writing obligatory which the same Peter sealed with the seal of him the same John here into Court &c. bearing the date whereof is the same day and year aforesaid, granted and acknowledged himself to be held and firmly bound unto the same Peter in the aforesaid sum of one hundred and ninety five pounds fourteen shillings Specie current money of Maryland to be paid to the said Peter when afterwards he should be