Said Aquilla Attix his certain Attorney, Heirs, Executors Administrators or Assigns the full & just sum of One hundred & twenty four pounds eighteen shillings & six pence Specie one before the first day of October next with interest from the date thereof the above obligation to be void & of none effect, else to be remain in full force & virtue in law.

Josiah Johnson (Seal)

Sealed & delivered in presence of Philip Reed

And thereupon the said Josiah Johnson by his Attorney aft. defends the wrong & injury when &c. and says that he cannot gainsay the Action aft. of the said Stephen Attix & Aquila Attix Exors aft. as against him brought, nor but that the writing obligatory aft. is the deed of him the said Josiah nor but that he detains the aforesaid sum of Two hundred & forty nine pounds sixteen shillings & two pence Current Money in manner & form as they against him have Complained: Therefore it is **Considered** by the Court here that the said Stephen & Aquila Attix Exors aft. recover against the said Josiah Johnson the Debt aft. in form aft. acknowledged & also the quantity of Six hundred & sixty nine pounds of Tobacco, as well for their Damages sustained by occasion of the detention of that debt, as for their Costs & Charges by them about their suit in this behalf expended: And the said Stephen Attix & Aquila Attix by the Court here with their assent adjudged & so forth. And the said Josiah Johnson in mercy &c. — James Earle Junr. Sheriff

Sheriffs Fees — Execution issued in this Action on the 14th day of April Anno Domini 1794. To be released on payment of Principal, Interest & Costs. Payments if any to be allowed.

Nicholas Sluby and Joseph Smith
against
Marmaduke Tilden Junr.

The Defendant by his Attorney impleaded out of the General Court Office the following writ of Habeas Corpus, to wit.

The State of Maryland, Ss. To the Justices and Sheriff of Kent County, Greeting. Whereas a certain Marmaduke Tilden Junr. late of Kent County is detained in the prison of our said County under the Custody of you our said Sheriff at the Suit of a certain Nicholas Sluby & Joseph Smith of a plea of Trespass on the Case and so forth which said plea, and the said still depends before you our said Justices, undetermined; and we being willing for divers causes that the plea aforesaid, undetermined as aforesaid should be heard and determined before the Judges of our General Court; therefore we command you that you have the body of the said Marmaduke Tilden Junr. by whatsoever name or names he may be called in the plea aforesaid together with the cause of his caption, and detention, and all things thereunto relating 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, that our said Judges of our said General Court may further proceed therein as to justice appertains and so forth. Hereof fail not at your peril, and have you then & there this writ. Witness the honorable Samuel Chase Esquire Chief Judge of our said Court the 11th day of September Anno Domini 1792.

James Earle Junr. Clk.

Issued the 30th day of October Anno Domini 1792.

Which said second Tuesday of April Anno Domini One thousand Seven hundred & ninety three, being the day of the return of the aforegoing writ, the Justices & Sheriff of Kent County aft. made return thereof to the Court here with the following record of proceedings annexed, to wit —

The Execution of the above writ appears by the following proceedings. The answer of James Tilghman Esqr. chief Justice of the fifth district and Samuel Chew and James Lloyd Esqrs. Associate Justices of Kent County Court and Philip Reed high Sheriff of the Same County. We James Tilghman Samuel Chew & James Lloyd Esqrs. Justices aforesaid and Philip Reed Sheriff To the honorable the Judges of the General Court for the Eastern Shore of the State of Maryland Certify that Command was given to the Sheriff of Kent County on the third Monday of March Seventeen hundred and ninety one that he should take the body of

Marmaduke Tilden late of Kent County, Plaintiff if he should be found in his Bailiwick and him safe keep so that he might have his body before the Justices of our said County Court to be held at the Court House in the Town of Chester in said County on the fourth Monday of October next, to answer unto Nicholas Sluby and Joseph Smith of a plea of Trespass on the the Case and so forth. Which said fourth Monday of October Seventeen hundred and ninety one came the aft. Nicholas Sluby & Joseph Smith by Peregrine Letherbury their Attorney & the Sheriff of Kent County also came and made return of the writ aft. to the Court here thereon indorsed as follows, to wit. Executed Jo. Johnson Sheriff. Thereupon Charles Tilden of Kent County Farmer in his proper person here into Court did come and became pledge and Security for the aft. Marmaduke Tilden, that if it should happen to the said Marmaduke Tilden to be convicted in the plea aft. that then the same Security granted as well the damages as all the Costs & Charges which to the same Nicholas Sluby and Joseph Smith in the plea aft. should be adjudged of the Goods and Chattels Lands and Tenements of the said Charles Tilden to be made and for the use of the said Nicholas Sluby and Joseph Smith to be levied if it should happen that the said Marmaduke Tilden the Damages & Costs aft. of the said Nicholas & Joseph in the plea aforesaid should not pay or himself into the custody of the Sheriff of Kent County on that occasion render. And the aft. Marmaduke Tilden by Thomas B. Hands his Attorney comes and defends the force and injury when and so forth and the aforesaid Nicholas & Joseph by their Attorney aft. offered themselves against the aft. Marmaduke Tilden in the plea aft. and complained thereof against him in the following words, to wit — Kent County, to wit. Marmaduke Tilden late of Kent County Farmer was summoned to answer unto Nicholas Sluby & Joseph Smith of a plea of Trespass on the Case &c so forth. And whereupon the said Nicholas & Joseph by Peregrine Letherbury their Attorney complain that whereas the said Marmaduke on the fifth day of January Seventeen hundred & ninety together with a certain James Groome at Kent County aft. was indebted unto the aft. Nicholas Sluby and Joseph Smith in the sum of Fifty two pounds seven shillings & two pence Current Money of Maryland for sundry matters properly chargeable in an account as by a particular account thereof herewith sent to Court brought may appear and being so thereof indebted the aft. Marmaduke in consideration thereof upon himself assumed & to the said Nicholas & Joseph then & there faithfully promised to pay them the aft. sum of money when afterwards he should be thereunto required and whereas also afterwards he should be thereunto required and whereas also afterwards to wit on the day year aft. at the County aft. the said Marmaduke was indebted unto the said Nicholas & Joseph in one other sum of Fifty two pounds seven shillings & two pence current money aft. for divers goods Wares & Merchandizes before that time sold & delivered by the said Nicholas & Joseph to the aft. Marmaduke at his special instance and request and being so indebted the aft. Marmaduke in consideration thereof upon himself assumed and to the said Nicholas & Joseph then and there faithfully promised to pay them the aft. sum of Money when afterwards he should be thereunto required and whereas also afterwards to wit on the day and year aft. at the County aft. the said Marmaduke was indebted to the aft. Nicholas & Joseph in one other sum of Fifty two pounds seven shillings & two pence Current Money aft. for so much money by the said Nicholas & Joseph before that time had & received to the use of the said Nicholas & Joseph and the said Marmaduke was also indebted unto them the said Nicholas & Joseph for money by the said Nicholas & Joseph to & for the use of the said Marmaduke before that time paid laid out & expended also for money lent and all at the special instance & request of the said Marmaduke and being so thereof indebted the aft. Marmaduke afterwards to wit on the same day & year aft. at the County aft. upon himself assumed and then & there faithfully promised to pay them the last aft. sum of Money when afterwards he should be thereunto required. Nevertheless the aft. Marmaduke his promises & Assumptions aft. made not regarding but minding and fraudulently intending the said Nicholas & Joseph in this part craftily & subtilly to deceive & defraud the aft. sums of money or either of them or any part of either of them to the said Nicholas & Joseph hath not rendered or paid (altho' so to do the aft. Marmaduke afterwards to wit on the same day and year aft. at the County aft. by the said Nicholas & Joseph was required) but the said Marmaduke hath hitherto altogether refused & still doth refuse to pay the same to the said Nicholas & Joseph to the damage of the said Nicholas & Joseph in the sum of Current Money of Maryland and therefore they bring suit and so forth. Peregrine Letherbury pltffs. Atty. Pltffs. Declr. & Richard Roe.