sustained damage by reason of the non-performance of the promise and assumption aforesaid to the sum of One hundred and thirty seven pounds, sixteen shillings and three pence Current money; and upon this the said Samuel Dudley by his Attorney, prays judgment for the damages aforesaid and such costs & Charges as by him have been in this action expended. Thereupon it is considered by the Court here that the said Samuel Dudley do recover against the said David Vickers, as well the sum of One hundred and thirty seven pounds sixteen shillings and three pence his Damages aforesaid, in form aforesaid confessed; as also the quantity of five hundred and eighty five pounds of Tobacco, by the Court here unto the said Samuel Dudley, with his assent adjudged for his Costs and Charges by him about his suit in this behalf laid out and expended: and the said David Vickers in mercy &c. — Judgment was rendered in this Action on the 11th day of April 1794. for £37. 16. 3. Ctny Ms. to stay Execution till next Court.

Test James Earle jun. Clk.

Nathaniel Comegys, use of Caspanes McGinnes against John Sutton —

The Defendant by William Tilghman his Attorney impleaded out of the General Court for the Eastern Shore the State writ of Habeas Corpus, which issues in form following, viz.

The State of Maryland, &c. To the Justices and Sheriff of Kent County, Greeting, Whereas a certain John Sutton 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 Nathaniel Comegys of a plea of Debt &c. & so forth. which said plea as it is 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 John Sutton 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 thereon as to justice appertains and so forth. Witness &c. fail not at your peril, and have you then and there this writ. Witness the honorable Jam Chase Esqr. chief Judge of our said Court the 11th day of September Anno Domini 1792. & year the 5. day of March Anno Domini 1793. (Test.) James Earle jun. Clk.

At which said second Tuesday in April in the year Seventeen hundred and ninety three, being the day of the return of the foregoing writ the Justices & Sheriff of Kent County aforesaid in compliance with the same writ made return thereof with the following record annexed to wit —

"The execution of the above writ appears by the following proceedings, The answer of James Tilghman Esq. chief Justice of the second district and Samuel Shaw and James Loyd Esqrs. Associate Justices of Kent County Court & Philip Reed high Sheriff of the same County, for James Tilghman Samuel Shaw & James Loyd Esqrs. Justices as aforesaid & Philip 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 fourth monday of October seventeen hundred and ninety one, that he should take John Sutton late of Kent County farmer if he should be found in his Bailiwick and him safe keep so that he might have his body before the Justices of our next County Court to be held at the Court house in the Town of Chester in said County, on the third Monday of March next, to answer unto Nathaniel Comegys of a plea that he render unto him one hundred and fifteen pounds seventeen shillings and two pence Current money which to him he owes and unjustly detains &c. & so forth. At which said third Monday of March Seventeen hundred and ninety two, came the aforesaid Nathaniel Comegys by William Bordley his Attorney and the Sheriff of Kent County also came, and made return of the writ aforesaid to the Court here, thereon indorsed as follows, to wit. Sup. Proqs. Philip Reed Shff. Thereupon John Hyland of Kent County Joiner in his proper person here into Court did come and became Pledge and Security for the afsd. John Sutton in the plea afsd that if it should happen the afsd. John Sutton to be convicted in the plea afsd that then the same Security granted as well the debt afsd as all the damages costs and Charges which the said Nathaniel Comegys in the plea afsd should be adjudged of the goods and Chattels Lands and tenements of the said John Hyland to be made and for the use of the said Nathaniel Comegys to be levied if it should happen that the said John Sutton the Debt and damages Costs and Charges of the said Nathaniel Comegys in the plea afsd should not pay or himself into the custody of the Sheriff of Kent County on that occasion render. And the afsd. John Sutton by Thomas Redwingfield Hands his Attorney comes and defends the force and injury, when &c. & so forth, prayed liberty of imparling thereof here to the Action afsd. until the fourth monday of October next and he had it, the same day was given the afsd Nathaniel Comegys here and so forth. At which said fourth Monday of October Seventeen hundred and ninety two came again the Parties afsd by their Attorneys afsd and the afsd. Nathaniel Comegys by his Attorney afsd offered himself against the afsd John Sutton in the plea afsd and complained thereof against him in the following words, to wit. John Sutton late of Kent County farmer was summoned to answer unto Nathaniel Comegys in a plea that he render unto him one hundred and fifteen pounds seventeen shillings and two pence Current money which to him he owes & unjustly detains and so forth. And whereupon the said Nathaniel, by William Bordley his Attorney complains that whereas the said John the thirty first day of December in the year of our Lord Seventeen hundred and ninety, at Kent County in the State of Maryland by his certain writing obligatory acknowledged himself to be bound unto the said Nathaniel in the said one hundred and fifteen pounds seventeen shillings and two pences current money of Maryland to be paid to the said Nathaniel when he should be thereto afterwards required: Nevertheless the afsd John altho' often times required the said one hundred and fifteen pounds seventeen shillings and two pence to the afsd. Nathaniel hath not as yet rendered, but the same to the said Nathaniel hitherto hath refused and still doth refuse to render, wherefore the said Nathaniel saith he is the worse and hath damage to the value of Twenty pounds and therefore he brings suit and so forth — and brings into Court the said writing obligatory which witnesseth the debt afsd in form afsd the date whereof is the day & year above written &c. Mr. Bordley for Pltff. Pledges &c. John Doe & Richard Roe. Copy of the writing obligatory afsd. Know all men by these presents that we John Sutton & Alexander Fitzhugh Junr. both of Kent County, Maryland are jointly, held and firmly bound unto the afsd Nathaniel Comegys of the afsd County and State in the just and full sum of one hundred and fifteen pounds, seventeen shillings and two pence current