by his Attorney aforesaid it was ruled by the Court that the said Samuel Davis should give special bail in the plea aforesaid: And the said Samuel Davis by his Attorney aforesaid offered in Court a certain Bailpiece, and which being approved off by the Court is in form following, to wit: —

Benjamin Everitt, Plaintiff. against Samuel Davis, Defendant. } You Lewis Hutchinson and Ebenezer Sunders do jointly & severally acknowledge yourselves special bail for the said Samuel Davis at the suit of the said Benjamin Everitt in an action on the case brought by the said Benjamin Everitt against the said Samuel Davis in the General Court. They acknowledge themselves to be bound therewith this sixth day of September one thousand seven hundred and ninety seven before, John Thomas, James Tasker — To the Honorable, the Judges of the General Court — And the said Samuel Davis by his Attorneys aforesaid further defends the force and injury when &c, and prayed leave of the Court to imparle untile the next Term, and he had it. The same day was given to the said Benjamin Everitt then &c. —

At which said next Term, to wit, the second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight, came again into Court the parties aforesaid by their Attornies aforesaid; Thereupon, on motion of the said Benjamin Everitt by his Attorney, and it was ruled by the Court that the said Samuel Davis answer to the Declaration aforesaid of him the said Benjamin Everitt in the plea aforesaid — And the said Samuel Davis by his Attornies aforesaid further defended the force and injury when &c — and prayed leave of the Court to imparle untile the next Term, and he had it. The same day was given to the said Benjamin Everitt, then &c. — And now here, at this day, to wit, the second Tuesday of September in the year of our Lord one thousand seven hundred and ninety eight comes again into Court the parties aforesaid by their Attornies and, and the said Samuel Davis by his Attorney aforesaid further defends the force and injury when &c, and says, that he cannot deny the action aforesaid of the said Benjamin Everitt so as aforesaid against him brought, nor but that he the said Samuel Davis did promise and assume upon himself in manner and form as the said Benjamin A. Everitt above thereof against him complained, nor likewise but that the said Benjamin Everitt hath Damage by reason of the nonperformance of the promise and Assumption aforesaid to the sum of two hundred pounds Current money, as he the said Benjamin Everitt above by declaring supposes — Whereupon the said Benjamin Everitt by his Attorney aforesaid prays Judgment, and those Damages above acknowledged, together with his Costs and Charges by him about his suit in this behalf laid out and expended, to him to be adjudged &c. — Therefore it is considered by the Court here that the said Benjamin Everitt recover against the said Samuel Davis as well the said sum of two hundred pounds Current money above acknowledged for his Damages so by him he hath sustained by reason of the non performance of the promise and Assumption aforesaid as also the quantity of six hundred and fifty one pounds of Tobacco adjudged by the Court here unto the said Benjamin Everitt for his Costs and Charges by him about his suit in

this behalf laid out and expended — And the said Samuel Davis in mercy &c —

Test. James Earle Jun. Clerk —

Memorandum. Judgment was confessed in this action on the 12th day of September 1798, for £200 Damages, and Costs — Stay released on payment of £103. 2. 6. Current money with Interest thereon from the 28th day of April 1797. till paid, and Costs — with Stay of Execution untile the next Term — Payments, if any to be allowed. —

Philip Brooks against Morgan Brown } Be it remembered that on the twentieth day of March in the year of our Lord one thousand seven hundred and ninety eight, Command was given to the Sheriff of Kent County to take Morgan Brown late of Kent County if he should be found in his Bailiwick, and him safe keep, so that he might have his body before the Judges of our General Court to be held at Easton in Talbot County, on the second Tuesday of April then next to answer unto Philip Brooks, of a plea that he render unto him the sum of two hundred and sixty seven pounds fifteen shillings Current money which to him he owes and from him he unjustly detains and so forth — And that thereof he the said Sheriff should not fail at his peril and should have then and there that writ &c — And at which said second Tuesday of April in the year of our Lord one thousand seven hundred and ninety eight, (being the day for the return of the aforegoing Writ) came into Court the said Philip Brooks by James Houston Esquire his Attorney, and the Sheriff of Kent County, to whom the same writ was in form aforesaid directed likewise came, and made return thereof to the Court, thus endorsed, to wit. — "Cepi, Benjamin Hutchison, Shff." — And the said Benjamin Hutchison although called upon by order of the Court, on motion of the said Philip Brooks by his Attorney aforesaid, to bring into Court the body of the said Morgan Brown, according to the Command of the said Writ, and the tenor of his return as aforesaid, brought him not in, but made default — Whereupon, on motion of the said Philip Brooks by his Attorney aforesaid it was ruled by the Court that the said Benjamin Hutchison Sheriff as aforesaid, be amerced, forfeit and pay to the said Philip Brooks the sum of five pounds Current money, unless he the said Benjamin Hutchison should have the body of the said Morgan Brown before our General Court, at the then next Term, and by the second day thereof, to answer unto the said Philip Brooks in the plea aforesaid: The same day was given to the said Philip Brooks, then &c — And now here, at this day, to wit, the second Tuesday of September in the year of our Lord one thousand seven hundred & ninety eight, and also on the second day of this present Term, comes again into Court the said Philip Brooks by his Attorney aforesaid; And the said Benjamin Hutchison the Sheriff as aforesaid, in Obedience to the Command contained in the said Writ, and according to the tenor of his return as aforesaid, and to save the amercement aforesaid, brought into Court the body of the said Morgan Brown who appears by John Scott Esquire, his Attorney — And thereupon the said Philip Brooks by his Attorney aforesaid Declared against the