pounds current money for his damages which he hath sustained as well by reason of the nonperformance of the promise and assumption afs., as the quantity of five hundred and seventy five pounds of Tobacco for his costs and charges by him about his suit in this behalf expended; and the said Alexander Douglass in mercy &c.

James Earle Junior Clerk.

Judgment April the 17th 1799. for £330 (Mry) damages & Costs. To be released on the payment of £309.19.9. with Interest thereon from the 11th December 1794. title paid & Costs. Stay till 15th July next.

Andrew Buchanan against Alexander Smith.

Be it remembered that on the sixteenth day of June 1797 Command was given to the Sheriff of Dorchester County to take Alexander Smith late of Dorchester 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 for the Eastern Shore of this State at Easton, the second Tuesday in September then next, to answer unto Andrew Buchanan of a plea of Trespass upon the case and so forth. At which said second Tuesday in September seventeen hundred and ninety seven being the day of the return of the aforesaid Writ, comes into Court the said Andrew Buchanan by William Bond Martin his Attorney, and the Sheriff of Dorchester County to whom the said Writ was directed not having returned thereof to the Court here this indorse to wit: "Cepi Non Est Inventus Shff."—

And the said Alexander Smith being called appears in Court here by Josiah Bayly his Attorney, and thereupon on motion of the said Andrew Buchanan by his Attorney afs. it is ruled by the Court here that the said Alexander Smith give special bail in the plea afs. whereupon a certain Alexander Douglass of Dorchester County, Gentleman came here into Court in his proper person and undertakes for the said Alexander Smith, that in case the said Andrew Buchanan shall recover Judgment against the said Alexander Smith in the plea afs., or that the said Alexander Smith shall be therein legally convicted that then the said Alexander Smith shall pay the condemnation of the Court therefor, or render himself to the prison and custody of the Sheriff of Dorchester County afs. in satisfaction thereof, or that he the said Alexander Douglass will do the same for him—

And the said Alexander Smith by his Attorney afs. defends the force and injury when &c, and prays leave to imparle until the second Tuesday in April next and he hath it, the same day is given to the said Andrew Buchanan then &c.—

At which said second Tuesday in April seventeen hundred and ninety eight comes again into Court the parties afs. by their Attorneys afs., And the said Alexander Smith by his Attorney afs. on motion of it is ruled by the Court here that the said Andrew Buchanan Declare against the said Alexander Smith in the plea afs. or Judgment will be rendered against him by default; and the said Andrew Buchanan by his Attorney afs. prays leave of the Court here to imparle until the second Tuesday in September next to declare against the said Alexander Smith in the plea afs., and he hath it, the same day is given to the said Alexander Smith then &c.

At which said second Tuesday in September seventeen hundred and ninety

eight comes again into Court the parties afs. by their Attorneys afs., And the said Andrew Buchanan by his Attorney afs. declares against the said Alexander Smith in the plea afs. as follows to wit.— Eastern Shore of Maryland Dorchester County to wit. Alexander Smith late of Dorchester County was summoned to answer unto Andrew Buchanan of a plea of Trespass upon the case &c. And whereupon the same Andrew by William Bond Martin his Attorney complains, that whereas on the fifth day of December in the year of our Lord seventeen hundred and ninety five at the County afs., the same Alexander was indebted to the same Andrew in the sum of six hundred and nineteen pounds eighteen shillings and one pence current money of Maryland, for divers goods wares and Merchandizes before that time sold and delivered by the said Andrew to the said Alexander at his special instance and request, & so therein indebted being the same Alexander in consideration thereof afterwards to wit, on the same day and year afs. at the County afs., upon himself assumed, and then and there faithfully promised the said Andrew to pay to the same Andrew the afs. sum of money when ever after he should be thereto required. And whereas also afterwards to wit, on the same day and year afs. at the County afs. the same Andrew had before that time sold and delivered to the said Alexander at his like special instance and request, divers other goods wares and merchandizes the same Alexander in consideration thereof, afterwards, to wit, on the same day and year afs. at the County afs. upon himself assumed and unto the same Andrew then and there faithfully promised to pay to the same Andrew for the goods wares & merchandizes last above-mentioned, as much current money of Maryland, as the same goods wares and merchandizes were reasonably worth, at the time of the sale and delivery thereof, whenever after he should be thereto required— And the same Andrew in fact says that the said goods wares and merchandizes last mentioned were at the time of the sale and delivery thereof reasonably worth one other sum of five hundred and ninety pounds eight shillings, and eight pence current money of Maryland to wit, at the said County which the same Alexander then and there had notice. Nevertheless the same Alexander his several promises and assumptions afs. in form afs. made, not regarding but minding fraudulently intending the same Andrew in this behalf craftily and subtilly to deceive & defraud the said several sums of money or any part thereof unto the same Andrew yet hath not paid altho' so to do the same Alexander afterwards to wit, by the same Andrew, on the same day & year afs. and often since that time at the County afs. was required, but the same sums of money or any part thereof to pay to the same Andrew the same Alexander hitherto altogether hath refused and still doth refuse, to the damage of the same Andrew one thousand pounds current money of Maryland, and therefore he doth bring suit &c.

Wm. D. Martin for plff.— pledges &c. John Doe & Richard Roe.—

And thereupon on motion of the said Andrew Buchanan by his Attorney afs. it is ruled by the Court here that the said Alexander Smith, answer to the Declaration afs. on or before the second Tuesday in April next or Judgment will be rendered against him by default; the same day is given to the said Andrew Buchanan then &c.—

And now here, to wit, the second Tuesday in April seventeen hundred & ninety nine, comes again into Court the parties afs. by their Attorneys afs., and the said Alexander by Josiah Bayly his Attorney defends the force and injury when &c. and says