defendts the force and injury when &c. and prays an hearing of the written obligatory &c. and this read to him in these words following, to wit. Maryland Sc. Know all men by these presents that I Philemon H. Abele of St. Mary's County in the State of Maryland am held and firmly bound unto Robert Tate junr. in the full and just sum of One hundred pounds current money of Maryland, to be paid unto the said Robert Tate his certain Attorney Heirs Executors — and Administrators in the whole and for the whole sum firmly by these presents Sealed with my seal & dated this twentieth day of April, Anno domini seventeen hundred and ninety five. He also prays an hearing of the Condition of the same bearing obligatory and the likewise read to him in these words following to wit. The Condition of the above Obligation is such that if the above bound Philemon H. Abele his Heirs Executors Administrators or any of them do and shall well and truly pay or cause to be paid unto the said Robert Tate junr his certain Attorney Heirs Executors Administrators or Assigns the just and full sum of Fifty pounds current money &c with legal Interest thereon from the date hereof: Then the above Obligation to be void, else to be and remain of Force and Virtue in Law — Signed Sealed & delivered in the presence of Seth Clements, John his mark Clements — Philemon H. Abele Seal

Which being severally read and heard the same Philemon H. Abele says that the said Robert Tate his Action &c thereof against him to have or maintain ought not because he says, that after the Execution of the same writing obligatory & before the impetration of the original writ in this cause to wit, on the twentieth day of April in the year of our Lord one thousand seven hundred and ninety five at the County &c He the same Philemon H. Abele paid to the said Robert Tate the said principal sum of Fifty pounds current money of Maryland in the said Condition mentioned together with all the Interest that thereon did and this the said Philemon H. Abele is ready to verify, wherefore he prays Judgment if the said Robert Tate his action &c thereof against him to have or maintain ought &c. Thos Martin for Defr.

And the said Philemon H. Abele by his said Attorney produced to the Court here a writ of Habeas Corpus of the State of Maryland, to the Justices and Sheriff &c directed the tenor whereof issues in the following words and figures to wit: The State of Maryland: To the Chief Justice and his Associate Justices of Talbot County Court and to the Sheriff of Talbot County Greeting: Whereas a certain Philemon H. Abele is detained in the prison of your said County under the custody of you our said Sheriff, at the suit of a certain Robert Tate the plaintiff in a plea of Debt as is said, which said plea as it is said still depends before you our said Justices undetermined as &c, and we being willing for divers causes that the plea &c undetermined as &c should be heard and determined before the Judges of our General Court. We therefore command you that you have the body of the said Philemon H. Abele by the same name or names he may be called in the plea &c 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 at Easton in Talbot County the second Tuesday of September that the Judges of our said General Court may further proceed therein as to Justice appertains and of right. Hereof fail not at your peril and have you then and there this writ. Witness the Honorable Alexander Contee Chief Judge of our said Court the 11th day of April seventeen hundred and ninety seven & issued the 23d day of May 1797 — Test.

Seal of the General Court Office

James Earle Junr Clk

Which being read and heard the same is by the Court allowed and ordered by the same Court that the cause of the Caption and Detention of the said Philemon H. Abele together with the Record and Proceedings relating to the same be accordingly transmitted before the Honorable the Judges of the General Court, at their Court to be held for the Eastern Shore of the said State at Easton in Talbot County the second Tuesday of September next ensuing that the said Judges may further proceed therein, as to Justice appertains and of right —

Test. Wm. L. Bond Clk

Talbot County to wit. I do hereby certify all persons whom whom it doth or may concern that the aforegoing Record and Proceedings relating to the same were faithfully taken from the Record and Proceedings of Talbot County Court — In Testimony whereof I have hereto set my hand and affixed the Public Seal of my Office this twenty ninth day of August in the year of our Lord seventeen hundred and ninety seven —

Seal

Wm. L. Bond Clk Talbot County Court.

And thereupon came into Court, as well the said Robert Tate junr. by Thomas H. Bullitt his Attorney, as the said Philemon H. Abele by his Attorney &c. and the said Philemon H. Abele by his Attorney &c defended the force and injury when &c. and prayed leave to imparle until the second Tuesday in April then next and he had it the same day given to the said Robert Tate junr then &c. At which said second Tuesday in April seventeen hundred and ninety eight came again into Court the parties &c. by their Attorney &c and the said Philemon H. Abele by his Attorney &c defended the force & injury when &c. and prayed further leave to imparle until the second Tuesday in September then next and he had it. The same day was given to the said Robert Tate junr then &c — At which said second Tuesday in September seventeen hundred and ninety eight came again into Court the parties &c by their Attorney &c and the said Robert Tate by his Attorney &c prayed that the said Philemon H. Abele might be ruled to employ new counsel in this cause, on or before the second Tuesday in April then next, the former Counsel being dead, and it was granted unto him the same day was given to the said Robert Tate then &c. And now here, to wit, the second Tuesday in April seventeen hundred and ninety nine — comes again into Court as well the said Robert Tate junr by his Attorney &c, as the said Philemon H. Abele by Solon Goldsborough junr his Attorney and the said Philemon H. Abele by his Attorney &c defends the force & injury when &c and saith that he cannot gainsay the action &c, nor that he owes unto the said Robert Tate junior the &c sum of One hundred pounds current money in manner and form as the said Robert Tate junr above against him hath complained. Therefore it is Considered by the Court here that the said Robert Tate recover against the said Philemon H. Abele as well the said sum of One hundred pounds current money his debt &c in form &c confessed, as the quantity of eleven hundred & forty six pounds of Tobacco for his damages which he hath sustained as well 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 & the said Philemon H. Abele then &c. James Earle Junr

Judgment was confessed in this action on the 15th April 1799. for £[illegible] & Costs. Interest and the payment of principal & Interest & Costs. payments if any to be allowed. Stay of Execution till 5th August next —