

June 1708

become the Gayle & doth undertake for the said Richard Powell the payment of the Damages & Costs if it shall happen that the said Thomas Smithson shall obtain Judgment against the said Richard in the said Action of Debt and the said Richard the Condemnation shall not satisfy nor himselfe to the Custody of the Sher of said County deliver or that the said William the body of the said Richard shall not render -

AND the said Deft afterwards comes into Court and in his proper person appears and prays Liberty thereof to imparle until the next Court to him was granted the same day was given the Att likewise

At the said next Court viz the Twinty fith day of June in the year of our Majesty's Regne Anno Domini 1708 the said Cause standing for Tryal came the said Att by Michael Earle his attly declarer -

Kent County } Richard Powell of said County otherwise called Richard Powell of
in Maryland } the same County was summoned to answer unto Thomas Smithson of a plea that he render unto him the full Just Summe of ten pounds Sterling money of England which to him he oweth & from him unjustly detain -

AND Whereupon the said Att by Michael Earle his attly saith that whereas the said Deft on the second day of September Anno Domini 1706 at Chester Town in said County within the Jurisdiction of this Court by his certain Bond or writing obligatory sealed with his Seale as his act & deed delivred & here in Court brought whose date is the same day & year did confesse himselfe to be holden & firmly bound unto the said Thomas Smithson his heirs & adm^r or assigns in the full Just Summe of ten pounds money as aforesaid and to the payment thereof well & truly to be made & done as aforesaid the said Deft bound himselfe his heirs & adm^r firmly by the same Bond yet notwithstanding the said Deft the aforesaid ten pounds according to the tenor of the said Bond unto the said Att he hath not paid although often demanded but the same to pay he hath negled & refused & still doth deny & refuse & unjustly detain to the damage of the said Att the said ten pounds money as aforesaid upon that he brings his Suit

Earle & David Bridges Esq^r Att^r for the Deft

AND the said Deft by his attly comes & doth find the force and injury when the said Lawes Eyes of the above Obligation and it is read unto him he also prays O^r of the Condition thereof and is read unto him in these words following The Condition of the above obligation is such that if the above bound Richard Powell his heirs & adm^r doo well & truly pay or cause to be paid unto the above said Thomas Smithson his heirs & adm^r or assigns the full Just Summe of five pounds Sterling money of England on or before the tenth day of January next ensuing the date hereof then this obligation to be void else to stand & remaine in full power force & virtue -

and