

June Court: 1732 ----- 203

to give Special Bail to the action aforesaid, thereupon a certain Thomas Hearn of Somerset County planter present here in Court undertakes for the said William Hearn that in case the said Thomas Layfield shall recover Judgment in the plea aforesaid against the said William Hearn or that the said William Hearn shall be through Counsel that then he the said William Hearn shall pay the Fine and value of the Court thereupon or tender his body to the Custody of the Just. of Somerset County in Satisfaction thereof or that he the said Thomas Hearn shall do the same for him &c.

Afterwards came the said William Hearn in his proper person and Confessed the force and Injury when he and says that he cannot gain say the action aforesaid of the aforesaid Thomas Layfield, nor can he say but that the writing Obligatory aforesaid is his deed, nor but that he owes the same Thomas Layfield the aforesaid two thousand Eight hundred and Seventy two pounds of Tobacco in manner and form as the aforesaid Thomas Layfield above against him declared &c.

Therefore it is considered that the aforesaid Thomas Layfield recover against the aforesaid William Hearn his debt aforesaid and his damages by reason of the detaining of the same debt to 321. three hundred & Twenty one pounds of Tobacco to the same Thomas Layfield of his expense by the Court here adjudged and the aforesaid William in Money &c.

At the Same Somerset County: William Hearn ^{planter} of Somerset County &c.
for the Same - Will^m Hearn of Somerset County in the Province of Maryland.

Plaster was summoned to answer unto Thomas Layfield of Aplee that he render unto him five thousand Seven hundred and forty four pounds of Tobacco which to him he owes and Unjustly Detains &c. And whereupon the said Thomas by Francis Allen his Attorney saith that whereas the said William the first day of Novemb: Seventeen hundred and twenty Seven at the County of Somerset aforesaid within the Jurisdiction of this Court by his certain Writing Obligatory w: to the said Thomas with the Seal of the said Will^m signed here into Court brings the date where of is the same day and year did acknowledge himself to be bound unto the said Thomas in the said five thousand Seven hundred and forty four pounds of Tobacco to be paid unto the said Thomas when he should be there unto required yett the said Will^m tho' often required the said five thousand Seven hundred and forty four pounds of Tobacco to the said Thomas hath not rendered but the same to him hitherto to render hath Denied and still doth deny and Unjustly Detains to the Damage of the said Thomas of four thousand pounds of tobacco and thereupon he brings Suit &c.

Whereupon the said William Hearn at the prayer of the said Thomas Layfield is adjudged to give Special Bail to the action aforesaid thereupon a certain.
- Thomas.