G. H. Smith Horsey
v.
Elijah Tull

Commanded was Given to the Sheriff of Somerset County that he Should take Elijah Tull late of Somerset County Mariner Otherwise called [illegible] if he Should be found in his Bailywick and him Should Safe keep so that he might have his body before the Justices of his Lordships County Court of Somerset to be held at Princess Ann Town the third Tuesday of June Anno Domini one thousand Seven hundred and Sixty One to answer unto Smith Horsey of a plea that he Render unto him the Sum of Eighteen pounds Current Money of Maryland which to him he Owes and unjustly detains and thirty Six Bushells of Indian Corn of the Value of five pounds Current Money of Maryland which from him he unjustly detains and Soforth and the Same day is Given to the said Smith here &c

And hereupon the said Smith Complained against the said Elijah in these Words to wit in form following — Somerset ss Elijah Tull late of Somerset County Mariner Otherwise called [illegible] was Summoned to Answer unto Smith Horsey of a plea that he Render unto him the Sum of Eighteen pounds Current Money of Maryland which to him he Owes and unjustly detains and thirty Six Bushells of Corn of the Value of five pounds Current Money of Maryland which from him he Unjustly detains and Soforth

And Whereupon the said Smith by George Hayward his Attorney Says that whereas the said Elijah on the Twenty second day of September in the Year of our Lord one thousand Seven hundred and fifty five at Somerset County aforesaid by his bill Obligatory which the said Smith with the Seal of the said Elijah Sealed and now Shewn to the Court the date whereof is the same day and Year aforesaid Acknowledged himself to Owe and be Indebted unto the said Smith in the Sum of Nine pounds Current Money of Maryland and Eighteen Bushells of Corn of the Value of Two pounds and ten Shillings Current Money of Maryland for Value Received of him to be paid to the said Smith when he the said Elijah Should be thereto afterwards Required and that Such payment [illegible] might be truly and faithfully made he the said Elijah did by the same Bill bind himself his heirs and Assigns in the Penal Sum of Eighteen pounds like money and thirty six Bushells of Corn of the Value of five pounds Current Money of Maryland and the said Smith in fact Saith that the said Elijah hath not paid to him the said Smith the aforesaid Sum of Nine pounds Current Money aforesaid and Eighteen Bushells of Corn of the Value of Two pounds ten Shillings Current Money aforesaid According to the Intent and Effect of the Bill Obligatory aforesaid by means whereof Action Accrued to the said Smith to demand and have of the said Elijah the aforesaid Sum of Eighteen pounds Current Money aforesaid and thirty six Bushells of Corn of the Value of five pounds Current Money aforesaid Nevertheless the said Elijah tho often Required the aforesaid Sum of Eighteen pounds Current Money aforesaid and thirty six Bushells of Corn of the Value of five pounds Current Money aforesaid unto the said Smith hath not paid but the same to him to pay hitherto altogether hath Refused and Still doth Refuse and Unjustly detain Whereupon the said Smith Says he is Worse and hath damage to the Value of Eighteen pounds Current Money of Maryland and thereof he brings Suit and Soforth ——

Pledges &c John Doe & Richard Roe

A Copy of the foregoing declaration was made and Sent to be Served on the defendant in order for Speedy tryall — Left at last place of abode At which day here Came the said Smith Horsey by his Attorney aforesaid And the Sheriff to wit John Dennis Gent now here Returned that the aforesaid Elijah Tull was not found in his Bailywick but that he had Left a Copy of the foregoing declaration at the Last place of the abode of the said Elijah Tull &c

And afterwards in the said Court Came the aforesaid Elijah Tull by Wm Hayward his Attorney and offered himself against the said Smith Horsey in the aforesaid plea and to give Special Bail to the Action aforesaid Whereupon a Certain Samuel Tull of Somerset County Planter Present here in Court in his proper person undertook for the said Elijah Tull and assumed upon himself that if it Should happen that Judgment in the plea aforesaid Should be Rendered for the said Smith Horsey against the said Elijah Tull — that he the said Elijah Tull Should be thereof Convict that then he the said Elijah Tull Should pay and Satisfy unto the said Smith Horsey the Judgment of the Court thereupon or Render his body in Execution of such Judgment to the Prison of the Sheriff of the County aforesaid in Satisfaction thereof or that he the said Samuel Tull will do the same for him &c And the aforesaid Elijah Tull by his Attorney aforesaid Comes and defends the force and injury when &c And Prays Leave thereof to Imparle here until next Court to be held at Princess Ann Town the third Tuesday of August then next following ~~in the State [illegible]~~ And he hath it and the same day is Given to the said Smith here &c At which day here Comes as well the said Smith Horsey as the said Elijah Tull by their Attorneys aforesaid And hereupon the said Elijah prays further Leave thereof to Imparle here until next Court