April Term 1788

against the said James Shaw should be rendered, then the said Bartholomew Emmalls granted that all such Damages, Costs and Charges which unto the said John McLure in this part should by the Court be adjudged, of his Lands and Chattels should be made and to the use of the said John McLure, levied if it should happen that the said James Shaw the said Damages, Costs and Charges unto the said John McLure should not pay or his body in Execution of such Judgment to the Public Prison of Dorchester County aforesaid by that occasion should not render: And the said John McLure by Nicholas Hammond his Attorney affiled his Declaration in the plea aforesaid against the said James Shaw in manner and form following, to wit; Eastern Shore of Maryland Dorchester County, to wit; James Shaw late of Dorchester County in the State of Maryland Gentleman was summoned to answer unto John McLure of a plea that he render unto him the sum of one thousand and five hundred pounds current Money of Maryland which to him he owes and unjustly Detains &c. And Whereupon the same John McLure by Nicholas Hammond his Attorney saith that the said James Shaw on the twelfth day of June in the year one thousand seven hundred and eighty six at Dorchester County aforesaid by his certain Writing obligatory, which sealed with the seal of the same James Shaw the said John McLure into Court here brings the date whereof is the same day and year aforesaid, acknowledged himself to be held and firmly bound unto the said John McLure in the aforesaid sum of one thousand and five hundred pounds, current Money of the State aforesaid to be paid to the said John McLure when he should be thereto afterwards required; to the payment whereof well and truly to be made the said James Shaw did bind himself, his Heirs Executors and Administrators firmly by the said Writing. Nevertheless the said James Shaw altho' often required, the sum of Money aforesaid, or any part thereof, to the said John McLure yet hath not paid but the same to him to pay hath hitherto altogether refused and still doth refuse to the Damage of the said John McLure in the sum of five Hundred pounds current Money and therefore he brings this suit &c.

N. Hammond. [illegible] John Doe Richard Roe. Pledges &c.

The writing Obligatory aforesaid whereof Mention is made in the Declaration aforesaid ensues in the words following, to wit; Know all men by these presents that I James Shaw of Dorchester County in the State of Maryland am held and firmly bound unto John McLure of Baltimore County & State aforesaid Merchant in the full and just sum of one thousand five hundred pounds current money

of the State aforesaid; To be paid to the said John McLure his certain attorney his Heirs Executors Administrators or Assigns. To the which payment well and truly to be made & done I do hereby bind my self my Heirs Executors and Administrators in the whole & for the whole firmly by these presents Sealed with my Seal & dated this twelfth day of June one thousand seven hundred & eighty six. The Condition of the above Obligation is such that if the above bound James Shaw his Heirs Executors or Administrators does and shall well and truly pay or cause to be paid to the said John McLure his certain Attorney his Heirs or Assigns on or before the first Day of September next the full & just sum of seven hundred & seventy two pounds fifteen shillings & five pence (in Specie) at its now passing Value with legal Interest thereon; Then the above Obligation to be void else of force & Virtue in Law.

Signed Sealed & Delivered in presence of } James Shaw (LS)
Joseph Daffin. }

And thereupon further Process of and upon the premises aforesaid between the Parties aforesaid by the Consent of the said parties and their Attorneys aforesaid and by order of the Court here thereon was continued untill the second Tuesday in April then next following; At which day to wit the second Tuesday of April seventeen hundred and eighty seven came again the parties aforesaid by their Attorneys aforesaid and the aforesaid John McLure by his Attorney aforesaid prayd that a rule of Court be made for the aforesaid James Shaw to file his plea and answer to the Declaration aforesaid of him the aforesaid John McLure at the next September Term and it was granted unto him: Thereupon further Process of and upon the Premises aforesaid by the Consent of the said parties and their Attorneys aforesaid and by order of the Court here therein was continued untill the second Tuesday in September then next following; at which said day, to wit; the second Tuesday in September came again the parties aforesaid by their Attorneys aforesaid and the said James Shaw by his Attorney aforesaid Defended the force and injury when &c. and say that the aforesaid John McLure his action aforesaid against him to have or maintain ought not because he says that at the day mentioned in the said Condition he did well and truly pay and discharge unto the said John McLure the said sum of seven hundred and seventy two pounds fifteen shillings and five pence Specie in the Condition of the writing obligatory aforesaid mentioned, according to the form and effect of the same Condition mentioned to wit, at the County aforesaid and this he is ready to verify: wherefore he prays Judgment if the said John McLure his Action aforesaid against him to have or maintain ought &c.

And the aforesaid John McLure said that he from having and Maintaining his Action aforesaid against the said James Shaw ought not to be precluded because he said that the