thereof which are read to him in the words following to wit —
Know all Men by these presents that I David Burnes of Prince Georges
County and State of Maryland am held and firmly bound unto Judson
M Clagett and Zadock Clagett of Montgomery County and State aforesaid
in the just and full sum of four hundred and forty seven pounds —
Current Money of Maryland to be paid unto the said Judson M Clagett
and Zadock Clagett their certain Attorney Executors Administrators or
Assigns. To the which payment well and truly to be made and done
I bind myself my heirs Executors Administrators in and for the whole
firmly by these presents Sealed with my Seal and dated this twenty
third day of December in the year of our Lord one thousand seven
hundred and Ninety three — The Condition of the above obligation is
such that if the above bound David Burnes do and shall well and
truly pay or cause to be paid unto the said Judson M Clagett and
Zadock Clagett their certain Attorney Executors Administrators or Assigns
the just and full sum of two hundred and twenty three pounds
ten shillings Current Money of Maryland with legal Interest thereon
from the date, then the above Obligation to be void and of no effect
else to be and remain in full force and virtue in Law — Which being
read and heard the said David Burnes saith that the said Judson
Clagett and Zadock Clagett their Action aforesaid against him to —
have ought not because he saith that after the executing the —
writing Obligatory mentioned in the said Declaration and before the
Impetration of the Original Writ according to the form of the Statute
in such Case made and provided (that is to say on the twenty sixth
day of March in the year of our Lord one thousand seven hundred
and Ninety four at Montgomery County aforesaid he the said David
Burnes paid to the said Judson and Zadock the said sum of two
hundred twenty three pounds ten shillings Current Money of Mary-
-land in the the Condition aforesaid mentioned with the Interest
thereon due which they then and there received in full satisfaction
of all sums of Money at that time due from the said David to —
the said Judson and Zadock and this he is ready to verify. Wherefore
he prays Judgment if the said Judson and Zadock their Action
aforesaid thereof against him to have or maintain ought &c —

And the said Judson M Clagett and Zadock Clagett say that
they by any thing by the aforesaid David Burnes above in pleading
alledged from having or maintaining their Action aforesaid against
him ought not to be precluded because they say that after the
executing the writing Obligatory mentioned in the said Declaration
and before the Impetration of the Original Writ according to the
form of the Statute in such case made and provided (that is

to say on the twenty sixth day of March in the year of our Lord one thous-
-and seven hundred and Ninety four at Montgomery County aforesaid
the aforesaid David Burnes did not pay to them the said Judson M
Clagett and Zadock Clagett the said sum of two hundred and twenty
three pounds ten shillings Current Money of Maryland in the Condition
aforesaid mentioned with the Interest thereon due in such manner
and form as the aforesaid David Burnes above by pleading hath al-
-ledged, and of this they pray may be enquired of by the Country &c.
And the aforesaid David Burnes in like manner &c — Therefore let a
Jury thereupon appear before the Judges of our General Court here on
the second Tuesday of May next by whom &c and who neither &c to re
-cognize &c because as well &c the same day is given to the parties —
aforesaid then and there &c. And now here at this day to wit the
said second Tuesday of May being the twelfth day of the same Month
Anno Domini seventeen hundred and Ninety five come again here into our
General Court as well the aforesaid Judson M Clagett and Zadock Cla-
-gett by their Attorney aforesaid, as the aforesaid David Burnes by his
Attorney aforesaid, Nevertheless the aforesaid David Burnes by his attor-
-ney aforesaid relinquishing the averment aforesaid above by him pre-
-tended says that he cannot deny the Action aforesaid of the aforesaid
Judson M Clagett and Zadock Clagett so as aforesaid against him brought
nor but that he owes to the aforesaid Judson M Clagett and Zadock
Clagett the aforesaid sum of four hundred and forty seven pounds Cur-
-rent Money of Maryland in manner and form aforesaid so as the
aforesaid Judson M Clagett and Zadock Clagett above against him
have declared — Therefore it is considered by the Judges here
that the said Judson M Clagett and Zadock Clagett recover against
the aforesaid David Burnes as well the sum of four hundred and
forty seven pounds Current Money of Maryland their debt aforesaid
in form aforesaid confessed as also the quantity of eight hundred and
forty one pounds of Tobacco by the Court here unto the said Judson
M Clagett and Zadock Clagett on their assent adjudged as well for
their damages sustained by reason of the detention of that debt as
for their Costs and charges by them about their suit in this behalf
laid out and expended, And the said Defendant in Mercy &c —

Memorandum, Judgment was rendered in this Cause on the fif-
-teenth day of May Anno Domini seventeen hundred and Ninety five
for penalty and Costs of Suit; And the Plaintiffs agree to release the
penalty upon the payment of principal, Interest and Costs and
agree to stay Execution until the first day of August next, payments
if any to be allowed — Test, John Gwinn Clk —